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ABSTRACT

The results of a 2-year study on the interactions between government and private sector information activities are presented in terms of principles and guidelines for federal policy to support the development and use of information resources, products, and services, and to implement the principles. Discussions address sources of conflict between the public and private sectors; the roles of private enterprise, libraries, and government in providing information; and a summary of recent policy statements to avoid or resolve conflicts of interest in information dissemination. Definitions of key terms are provided. Appended are a list of Task Force members, definitions used in previous policy statements and publications, and a list of cases illustrating the application of the principles and recommendations of the task force. An extensive bibliography is included. (RBF)

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REPORT TO THE NCLIS
FROM THE PUBLIC SECTOR/PRIVATE SECTOR TASK FORCE

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PUBLIC SECTOR/PRIVATE SECTOR
INTERACTION IN
PROVIDING INFORMATION SERVICES

1 FEBRUARY 1982

This report was prepared by an independent Task Force assembled and funded by the National Commission on Libraries and Information Science. The Commission has reviewed the report and determined that the Task Force has fully and effectively met its charge.

Although the Commission as a whole has not yet formally acted upon the report, it is being released at this time for review and reaction by policy makers and citizens, generally, and by members of the library and information services community, as they participate in the emerging national debate on the appropriate role of the public and private sectors in the United States.

National Commission on
Libraries and Information Science

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ABSTRACT

This Report of the NCLIS Public Sector/Private Sector Task Force presents the results of a two-year study of the interactions between government and private sector information activities. It identifies two primary issues:

1) The crucial importance of information resources, products, and services in our economy and society.
2) The conflicting views concerning the proper role of government in providing those information resources, products, and services.

It describes the contexts for conflict between the public and private sectors with respect to the purposes for government to provide services, the audience to be served, the services provided, and the effects on the private sector if government does provide information products and services in commerce.

The Report presents the historical background for present concerns, reviews the sources of conflict among the sectors, and then presents the results of the Task Force deliberations, in the form of a set of seven principles and twenty-seven recommendations for implementation of those principles. The principles relate to the following major issues:

1) The need for the Federal government to take a position of leadership in facilitating the development and fostering the use of information products and services. As part of that, the open dissemination of information from governmental activities should be regarded as a high priority responsibility, especially through private sector means.
2) Private sector investment in information resources, products, and services should be encouraged and not discouraged. As part of that, libraries and other information activities in the private sector should be used as the means for distribution of information from the Federal government, in preference to using newly created governmental agencies.
3) The government should not engage in commercial information activities unless there are compelling reasons for it to do so, and there must be well defined procedures for determining that such reasons indeed are present. Prices for government products and services should be consistent with the actual costs for making the information available.
4) If private sector information is included in any package of governmentally distributed information, the private sector property rights should be carefully protected.

The Report presents some preliminary suggestions on steps to be taken to implement the principles and recommendations.

PUBLIC SECTOR/PRIVATE SECTOR
INTERACTION IN
PROVIDING INFORMATION SERVICES

REPORT TO THE NCLIS
FROM THE PUBLIC SECTOR/PRIVATE SECTOR TASK FORCE

EXECUTIVE SUMMARY

Information is a resource of immense economic and social value. It is vital to the proper functioning of a democratic society, a crucial tool in a productive economy and an effective government, a central part of the growth and well being of individuals. Perhaps because of its importance, information has become a focal point of concern about the relationships among the many sectors of our society, both governmental and private. Those issues have become the subject of political debate, as both the Federal government and private enterprise have expanded the range of information products and services they provide, each to some extent depending upon the other but also competing with the other.

The Public Sector/Private Sector Task Force was established by the National Commission on Libraries and Information Science in June 1979. It was asked to review interactions among the several sectors concerned with development of information resources, products, and services. The purpose was to explore the issues involved, to identify the conflicts, and to recommend means for resolving those conflicts. Working during a period of two years, this group argued its way across the complicated landscape of information policy issues. The results of those debates have been presented in the Report of the Task Force, submitted to the NCLIS in August 1981.

The purpose of this Executive Summary is to provide a quick overview of the substance of the Report. In doing so, it will of necessity condense and simplify what are exceptionally complex issues, so it should be viewed solely as a summary, not as a replacement for the Report as such.

THE FUNDAMENTAL ISSUES.

The work of the Task Force can be summarized in terms of two statements, the first of them representing a point of unanimous agreement and the second representing the focus of major philosphical disagreement. First, the point of agreement is an affirmation of the very context for establishing the Task Force:

- o Information resources, products, and services are vital components of our society, of our economic productivity, of our governmental operation, of our individual growth and well being. They are increasing in their value and importance, however their role may be measured. Government policy should be designed to foster the development and use of information resources and to eliminate impediments to such development and use.

As will be summarized below, most of the principles identified by the Task Force (especially Principles 1, 2, 5, and 7) reflect this view. They are each intended to identify guidelines for Federal policy that will support the development and use of information resources, products, and services.

Second, the focus of differences in philosophy and principle:

- o There are basic differences in view concerning the proper role of the Federal government (or of government in general) with respect to providing information resources, products, and services. They result in conflicts between restricting and not restricting the role of government.

Those on the Task Force who would restrict the role of government would prefer to place reliance on market forces. They point out that:

1) Our society is founded on the traditional view that individual freedom and initiative, expressed through competitive private enterprise, are the best means of supplying the products and services needed by society.

2) Government entry into the marketplace can have a chilling effect on private sector investment in the generation, collection, and distribution of information.

3) When the government enters the marketplace, it interferes with the ability of the market mechanism to allocate resources to the optimum production of goods and services.

4) The private sector, if not threatened by the anti-competitive effects of government in the marketplace, can widen the distribution of information from government as well as from other sources.

In contrast, those who would favor not restricting the role of government will point to the following:

1) There is need to ensure equitable, open access by the public in general to information which has been generated, collected, processed, and/or distributed with taxpayer funds.

2) To participate fully in our democratic society, citizens must be informed and aware, regardless of their individual ability to pay for needed information.

3) Information needs that are not served by the marketplace must be met by government.

4) The government has a role to play in stimulating the development of information as a resource for dealing with societal problems.

The remaining principles (Principles 3, 4, and 6) and most of the recommendations are concerned with means for resolving the conflicts implied by this major issue of philosophical difference.

THE CONTEXTS OF CONFLICT.

The contexts in which government plays a role, as they are specific to information resources, products, and services, pervaded the discussions of the Task Force. They were exemplified in specific governmental activities, both current and potential, in which conflict has, to one extent or another, arisen. The degree of conflict ranges from limited to high, depending upon how the role of government is determined, what the value is of the information involved, what the audience is for that information, where and how the information is obtained, whether there are existing sources for the same information.

Virtually every combination of points on these several spectrums was raised during the discussion. To illustrate two extreme examples:

- A government disaster protection service, providing information freely to the general public, with Congressional authorization and funding, would raise few objections even from the members of the Task Force most anxious to restrict the role of government.

- A government service that was extensively marketed and directed at industrial and commercial markets that were already served by an existing private sector service would raise objections even from the members of the Task Force most reluctant to restrict the role of government.

But between those two extremes, there are numerous situations, each to some extent represented by a specific government information activity, on which there would be dichotomous views concerning the extent to which the Federal government agency involved should or should not provide such information resources, products, or services.

FINDINGS OF THE TASK FORCE.

Despite those dichotomous views with respect to specific situations, the members of the Task Force reached nearly unanimous agreement on each of a set of principles which should guide Federal government involvment in information activities. The members of the Task Force also reached substantial, and in most cases nearly unanimous, agreement on a set of recommendations for steps to be taken in implementation of those principles.

In general, these principles and recommendations are

- In favor of open access to information generated by the Federal government.

  The view of the Task Force is that it is in the national interest for information in general to be widely and readily available to the public. Information generated (with emphasis on "generated") by the Federal government represents a valuable resource. The principles are intended to reinforce the importance of ensuring public access to it.

- In favor of reliance upon libraries and private sector organizations (both for-profit and not-for-profit), to make readily available information that can be distributed by the Federal government.

  The view of the Task Force is that these two groups of institutions, taken together, provide the best means for ensuring public access to such information. On the one hand, use of libraries, especially public and academic libraries, ensures that "ability to pay" does not raise barriers which effectively and discriminatively deny access to information. On the other hand, the use of private sector organizations, in the business of providing information services, ensures that individual freedom and initiative will be dedicated to developing and marketing a multiplicity of information services whose value is determined by the purchasers rather than by government. The principles and recommendation emphasize the importance of using this balance of means for access, in contrast to creating new agencies to do so.

o In favor of a leadership role for government, rather than a management role.

The Federal government has an opportunity to play a significant role in fostering the use of information as an economic and social resource. The key, though, is leadership not management, so as to encourage development by the private sector of information resources, products, and services that will meet the needs of the public.

o In favor of limiting direct government intervention in the marketplace.

While the Task Force recommends against arbitrary exclusion of the Federal government from providing services that the political process identifies as needed, it does recommend that the government not enter the marketplace unless there are clearly defined, compelling reasons for doing so. Furthermore, any such decision should be subject to periodic review to ensure that circumstance continue to warrant such activity. The view of the Task Force is that the entry of the Federal government into the marketplace must be subject to checks and balances.

PRINCIPLES AND RECOMMENDATIONS.

The Task Force is in unanimous agreement about the importance of information today in our society and our economy, whether it is perceived as a capital resource or as a facilitating agent. Information resources, products, and services deserve government attention and support. The principles and recommendations that resulted from the discussions of the Task Force are intended to provide the basis for accomplishing that goal. The summary of them presented here can only sketch out the range of issues involved and cannot even begin to describe the points of controversy. It is important to emphasize that they must be viewed as an integral whole; implementation of just a set of them, in isolation from the others, could be a totally negative result. The Task Force therefore strongly urges that they all be treated in the context of the whole.

LEADERSHIP ROLE FOR GOVERNMENT.

Principle 1 identifies the need for government to provide leadership in facilitating the development and fostering the use of information products and services. The implementing recommendations emphasize the need for an expanded interpretation of freedom of speech and the press, the development of manpower for providing information services, research and data-gathering for better decision making concerning information policies, greater consistency in applying information policies in Congressional actions. These recommendations were all endorsed, virtually unanimously, by the Task Force.

Beyond them, the Task Force was in general agreement with the recommendation that dissemination of information should be a high priority responsibility of government. This view is expressed explicitly in Principle 5, which urges that governmentally distributable information should be made openly available, in readily reproducible form, without constraints on subsequent use. The means for accomplishing that objective, though, were the major focus of discussion.

ENCOURAGEMENT OF PRIVATE INVESTMENT.

First, the Task Force was unanimously of the view that private sector investment is essential if there is to be enhanced access to and wider dissemination of information, including that distributable by the government. That view was embodied in Principle 2, which urges the government to encourage, and not to act in ways that will discourage private investment. The associated recommendations identify the need to eliminate regulatory barriers, to encourage private industry to add value to government furnished information, to involve the private sector in planning with respect to governmental information activities, and to assure that the resulting decisions are consistent with policies.

Beyond that, the Task Force urges, in Principle 7, that the Federal government should actively use existing mechanisms, such as the libraries of the country, as the means for making governmentally distributable information available to the public. This is intended to foster development both in the private sector and the library community; it is also intended that these means be used instead of creating new governmental agencies for functions of information distribution.

GOVERNMENT IN COMMERCE.

The issues of greatest concern to the Task Force arise when the government itself engages in commercial distribution of information. On the one hand, government clearly has responsibilities for information functions in collection and distribution of information in areas defined by the Constitution and mandated by Congress. At the very least, there is information that government must provide--a record of its actions, explanations of the law, descriptions of services. On the other hand, as the government's role in producing and providing information expands, the likelihood increases that the greater diversity achievable by private investment will be discouraged.

Principle 3 and the associated recommendations, which should be treated as integral parts of it, are the means by which the Task Force has reconciled the issues. The Task Force sets conditions that must be met for government to engage in commercial distribution of information products and services: There must be "compelling reasons" for doing so, and there must be well defined procedures for involvement of the private sector in the decision that there indeed are compelling reasons, including review and evaluation of the impact of the proposed services. The phrase "compelling reasons" was chosen because the Task Force was unable to identify universally applicable rules for deciding when the government should directly provide services, but perhaps of even more importance is the fact that the answer will only be found in a process, not in a catch phrase. The recommendations associated with this principle are therefore essential to it, since they spell out the proposed decision making process to be followed.

Of much greater controversy was whether, other conditions being met, the government should be permitted to enhance information products and services solely to meet the needs of constituencies outside the government itself. In the only recommendation that was not a substantial consensus, the Task Force recommends that the government not be restricted from such enhancement.

The pricing policies for information distributed by the government were considered. In Principle 6, the Task Force was unanimous in concluding that they should reflect the true cost of access and/or reproduction, unless there are Congressionally specified reasons for subsidy. Specifically, that means that prices should not be set to recover the costs of creating the data in the first place, nor should they be set artificially high or low.

USE OF PRIVATE SECTOR INFORMATION.

Information compiled by the government frequently includes material taken, directly or indirectly, from private sources. Aside from the aspects of personal privacy, currently well covered by applicable laws, there are problems with respect to preservation of private property rights in such data. In Principle 4, the Task Force addresses these problems and urges that those property rights be protected.

IMPLEMENTATION.

The recommendations fall into four broad categories, for each of which there are appropriate agencies to be responsible for implementation:

1) Issues of general, national concern. These represent matters for which Congress should be primarily responsible. The NCLIS can play an important role in identifying the issues and in recommending to Congress what should be done about them. (Recommendations 1, 2, 3, 8, 9).

2) Issues essentially focussed within the government. These also represent matters for which Congress should take primary responsibility. Beyond that, however, the OMB and the various agencies of government must take the operational responsibility. And again, NCLIS can play an important role in identifying the issues and making recommendation to the agencies that they consider the applicability of policies to their operations. (Recommendations 4, 19, 20, 21, 22, 23)

3) Issues relating to interactions among the sectors. Clearly both government agencies and private sector organizations must together be actively involved in implementing these recommendations. The NCLIS can serve an important role in facilitating communication between the two groups. (Recommendations 5, 10, 11, 12, 15, 16, 17, 18, 24, 25, 26, 27)

4) Issues related to the private sector itself. These clearly must be the responsibility of the private sector, although Congress might consider legislation needed for encouragement or even, where appropriate, support of private sector activities. (Recommendations 6, 7, 13, 14).

With respect to steps which the NCLIS itself can take directly, it seems appropriate for NCLIS to initiate discussions with Executive Branch agencies currently engaged in information activities to which the principles and recommendations of this Report may apply. Appendix 3 of the Report identifies a number of those agencies and information activities, as a starting point for such discussions.

STRUCTURE OF THE REPORT.

The Report of the Task Force is organized into five sections:

- An Introduction & Summary, presenting the Background and summarizing the principles, recommendations, and means for implementation of them which were the specific results of the work of the Task Force.

- A set of definitions of terms used in the Task Force discussions. While definitions may be pedantic, they are crucial if the terms in the several principles and recommendations are to be interpreted as the Task Force intended.

- A review of the general context for the work of the Task Force, including historical background, identification of the players and their roles, description of the interactions among the sectors, and summary of recent policy statements. This review provides a picture of the situation that led to establishing the Task Force and that makes the issues involved important enough to have warranted this degree of attention.

- A presentation of "principles", each of which is the nearly unanimous consensus of agreement by the Task Force on what ought to be the fundamental guides to policy in the Federal government with respect to distribution of information products and services by government agencies. While the bald statement of each of them may appear to be rather innocuous, they each represent issues of significance and controversy and frequently of deep philosophical differences among members of the Task Force. The discussion presented of them tries to convey some of the aspects deemed important.

- A set of recommendations, providing the means for implementing the principles and, in some cases, representing essential elements in the resolution of conflicts in arriving at agreement on principles. Again, the discussion attempts to convey the points at issue so that the recommendations can be seen as meaningful.

1. INTRODUCTION & SUMMARY

OVERVIEW.

Background
  - Charge to the Task Force
  - Membership of the Task Force
  - Method of Operation
  - Resulting Objectives

The Contexts of Conflict
  - The Purposes
  - The Audiences
  - The Services
  - The Effects

The Principles & Recommendations
  - Governmental Leadership
  - Encouragement of Private Sector Investment
  - Availability of Information
  - Government in the Marketplace
  - Government Use of Private Sector Information

Implementation

Summary

BACKGROUND.

For the past decade or so, both the government and the private sectors have dramatically increased the number and variety of information resources, products, and services they each provide. The result has been an ever rising level of conflict concerning the proper roles of the sectors of our society in the generation, collection, processing, and dissemination of information. Charges of "market failure" are met with accusations of "unfair government competition"; demands for "market determined allocation of resources" are a cause of concern for the "information disadvantaged"; the needs for "open availability of information" are countered with wishes for "diversity of choices". The conflict, as it has developed, has been exacerbated by failure to define terms (such as those quoted in that sentence) and by the fact there have been no established rules and no explicitly defined array of choices.

In recognition of these problems, an ad hoc sub-committee of the NCLIS met during 1975 to consider how best to avoid the growing number of conflicts between information activities in the public and private sectors. Its report recommended that a fact-finding effort should be undertaken by the Commission, through a Public/Private Sector Task Group.

Because of other priorities, establishment of the Task Group was delayed until 1979. Although the intervening period had seen a number of studies and reports touching on the public/private sectors interface, none provided NCLIS the guidance it needed. The problems, issues, and conflicts that had led to the initial interest in 1975 still existed and some had even intensified. As a result, the present Task Force was appointed in June 1979.

CHARGE TO THE TASK FORCE.

The Task Force was asked to review interactions among the sectors with respect to the generation and dissemination of information of all types —scientific, technical, business, etc. Consideration was to be given especially to legislation, executive orders, and government policies and practices. To paraphrase the document establishing the Task Force, it asked for a report that would accomplish the following objectives:

- Identify and illustrate the types of library and information service functions that should be carried out by government or by the private sector.
- Define and illustrate the criteria used to determine what information services should be supported by tax funds or by the marketplace.
- Identify activities within government and the private sector which now contradict the Task Force views.
- Identify means and actions to be taken to correct the balance, and identify the parties, including NCLIS, that should take them.

MEMBERSHIP OF THE TASK FORCE.

The membership of the Task Force was carefully chosen to be as representative as possible of the several constituencies involved, with the three major sectors--government, not-for-profit, and for-profit-- being equally represented in the original membership. During the course of the work of the Task Force, there were a few original members who resigned and there were a few who were represented by surrogates during some meetings. As a result, additional members were coopted to replace those original members who, for one reason or another, were not able to participate fully in the discussions. The final membership of the Task Force is shown in Appendix 1.

METHOD OF OPERATION.

The Task Force met as a group eight times over a two-year period:

- 13-14 June 1979
- 20-21 September 1979
- 8- 9 January 1980
- 10-11 April 1980
- 12-13 June 1980
- 23-24 October 1980
- 12-14 January 1981
- 15-16 April 1981

Each meeting involved open discussion of the issues. Sub-committees were used during three meetings, to focus discussion, and a modified Delphi questionnaire was used between meetings to elicit views and to determine areas of convergence or divergence in those views. The final two meetings were devoted to discussion of and formal votes on the several statements of principle and the recommendations.

The process, for whatever reason, was remarkably successful in creating a sense of common purpose--not necessarily consensus on views, but an agreement on principles and on the basis for disagreement. The Task Force strongly feels that the sense of common purpose was perhaps the most important achievement in its working together as a group.

RESULTING OBJECTIVES.

As a result of the discussions in the Task Force, it became clear that the original charge was inconsistent with the actual problems of concern. Specifically:

- The Task Force concluded that assignment of responsibilities for various functions was not the means to guide the interactions among the sectors. No function was the exclusive province of one sector or another.

- The Task Force concentrated its attention almost solely on the Federal government (including independent agencies as well as the executive, legislative, and judicial branches).

- The focus was on information contexts in which conflict results from government involvment, especially in distribution of information.

- The Task Force focussed on government information resources, products, and services that are "in the realm of commerce" (i.e., that are disseminated by the government either directly or through the private sector), thus excluding those that are purely internal or administrative.

- Although there clearly are areas of conflict within the private sector which are affected by government action (in the form of legislation, regulation, or even perhaps direct action), the Task Force did not consider such issues, focussing its attention totally on the impact of governmental information activities. Thus, issues relating to private copyright conflicts, to conflicts between different private information activities, and to conflicts between the providers of information services and the purchasers of them were not considered, unless they involved the government itself as a party in those conflicts.

- o Although the charge implied that the Task Force should consider how present situations might differ from the views it suggests, the Task Force concluded that it could only make progress if it limited its consideration to activities that might arise in the future. The extent to which existing situations may or may not fit within the framework will need to be considered on an ad hoc basis, case by case.

- o Although the area of international data flow is one in which public sector/private sector interaction is clearly of immense importance, the Task Force did not feel that it had sufficient expertise or time with which to cover the issues adequately. As a result, despite the importance with which the members of the Task Force individually and collectively regard the problems in international data flow, the Task Force did not cover them in its principles or in recommendations.

- o Although issues related to technology pervaded the entire process of the Task Force, arising in virtually every item of discussion, in the final analysis the decision was made that the Task Force did not find it appropriate to present any recommendations or conclusions about technology.

THE CONTEXTS OF CONFLICT.

From the outset, the Task Force was concerned with identifying the kinds of problems that were involved in the interactions among the sectors, either in theory or as exemplified in specific information activities of the Federal government (such as those listed in Appendix 3). These "contexts of conflict" have been summarized in Table 1. Simplified though it is, it does provide a convenient frame of reference for considering the several dimensions of the problem.

THE PURPOSES.

Consider, for example, the means by which the Function of Government is determined. As shown in the first row of Table 1, there would be little, if any conflict when a function is Constitutionally defined (support of national defense, for example). But even Congressionally mandated services are likely to result in at least moderate conflict. And when the Federal agency itself determines that an information service is needed, the likelihood of conflict is high. Closely related to this context are two others—the "Purpose of the Information" and the "Degree of Availability". If the information is needed for the internal functioning of government and is available only under the provisions of the Freedom of Information Act, there is small likelihood of conflict; but if it's extensively marketed information, intended to influence

Table 1

Schematic of Contexts for Conflict Concerning the Role of the Federal Government in Providing Information Resources, Products, & Services

	Range of Conflict		
Context	Limited	Moderate	High
Function of Government	Constitutionally defined	Congressionally mandated	Agency determined
Purpose of Information	Internal work of government	Educate or inform public	Influence policy
Degree of Availability	"Freedom of Information Act"	Sup't of Documents	Heavily marketed
Audience	General public	Specific groups	Limited groups
Ability to Pay	Economically disadvantaged	General public	Business and industry
Social Value	High social value	Moderate social value	Low social value
Economic Utility	Low utility	Moderate utility	High utility
Immediacy of Value	Long-term value	Medium-term value	Immediate-term value
User Specificity	Resources	Products	Services
Amount of Value added	Generation & processing	Compilation & collection	Packaging & direct services
Form of Availability	Print, Microform	Computer readable tapes	Online access, Broadcast
Pricing Policy	Congressional subsidy	Marginal cost of reproduction	Market based pricing
Existing Services	No overlap to minor overlap	Minor overlap to some overlap	Major overlap to competitive
Source of Information	Generated internally	Collected from public	Obtained from private sources

policy, there is almost certain conflict.

THE AUDIENCES.

The Audience for a service and the ability of the audience to pay for it are two more of the contexts for conflict. Essentially, the more specific the audience and the more able the audience is to pay, the more likely there will be conflict if the Federal government provides an information service. Related are issues of Value--Social Value, Economic Utility, and Immediacy of Value. Information of high economic value, especially that for which literally seconds may change its value, is information that the private sector wants to repackage, to market, to distribute; conflict is almost certain if the Federal government were to engage in active commercial distribution of such information. On the other hand, information of high value to society as a whole--disaster information and medical data, for example--is unlikely to be controversial.

THE SERVICES.

Among the most sensitive contexts are those called "User Specificity", "Amount of Value Added", and "Form of Availability". Each of them relates to services that go beyond simply making information available. If those services include tailoring the data to the needs of specific users, doing additional processing, or providing sophisticated means for access, then the likelihood of conflict increases.

THE EFFECTS.

Among the most serious causes of conflict are those which involve direct effects upon private sector activities. In particular, if there are existing private sector services with which governmental services directly compete, the likelihood of conflict is high. And in many cases, the governmental service may even itself use information taken from private sector sources; the conflicts in that event are compounded.

THE PRINCIPLES & RECOMMENDATIONS.

The Task Force found it valuable to establish "principles" to serve as the basic ground rules that should govern Federal government information activities and provide the basis for resolution of conflicts; the Task Force concluded with agreement on recommendations for means of implementation of those principles. These principles and related recommendations will be summarized here, with emphasis on their relationship to the basic areas of conflict. In subsequent sections of the Report, they will be separately discussed, with emphasis on the debate concerning them, with the aim of highlighting the issues of controversy.

GOVERNMENTAL LEADERSHIP.

In his book, "The Public Use of Private Interest", Charles Schultze makes the case that many current social problems are so complex that no one, not even the Federal government, can "manage" them. He suggests instead that government should provide incentives so that market forces will solve them. For the most part, the Task Force subscribes to this view and does not feel that a "national information policy" is the answer, if that is interpreted as implying management by government. Instead, the Task Force sees the Federal government in a position of leadership, establishing policies that will manage its own activities in a coherent manner and that will encourage private enterprise in the development of information as a national resource.

This view is embodied in Principle 1:

Principle 1. The Federal government should take a leadership role in creating a framework that would facilitate the development and foster the use of information products and services.

The recommendations related to this principle specify several areas in which government can provide leadership: enhancing the competitive forces of the market place; affirming the application of the First Amendment; providing legislative consistency; using efficient technologies; supporting education, research, and data collection in this field.

Recommendation #1. Provide an environment that will enhance the competitive forces of the private sector, so that the market mechanisms can be effective in allocating resources in the use of information and in directing innovation into market determined areas.

Recommendation #2. Affirm the applicability of the First Amendment to information products and services.

Recommendation #3. Encourage Congress to be consistent in the language used and in the application of principles relating to information products and services, such as those identified in this Report, when it formulates legislation and when it exercises its oversight role.

Recommendation #4. Encourage government agencies to utilize the most efficient (information) technologies.

Recommendation #5. Encourage the setting and use of voluntary standards that will not inhibit the further development of innovative information products and services.

Recommendation #6. Encourage and support educational programs that provide the professional skills needed to further the development and use of information as an economic and social resource.

Recommendation #7. Encourage and support both basic and applied research in library and information science.

Recommendation #8. Encourage and support statistical programs and related research to provide the data needed to deal with information policy issues.

ENCOURAGING PRIVATE SECTOR INVESTMENT.

The private sector, including both private enterprise and not-for-profit organizations, provides the means for distribution of information in the open marketplace, in which the criteria of value are economic rather than political. The Task Force considers the encouragement of the private sector to invest in information resources, products, and service to be the best means for obtaining innovation and diversity in the wide dissemination of information of all kinds. That view is embodied in Principle 2:

Principle 2. The Federal government should establish and enforce policies and procedures that encourage, and do not discourage, investment by the private sector in the development and use of information products and services.

Six recommendations are presented as means for implementing this principle. They relate to encouragement of new developments, reducing uncertainties, and reducing risks.

Recommendation #13. Identify and eliminate legal and regulatory barriers to the introduction of new information products and services.

Recommendation #14. Encourage private enterprise to "add value" to government information (i.e., to re-package it, provide further processing services, and otherwise enhance the information so that it can be sold at a profit).

Recommendation #15. Provide incentives to existing organizations, such as libraries and bookstores, that will encourage them to expand their activities in dissemination of governmentally distributable information.

Recommendation #16. Establish procedures which will create a realistic opportunity for private sector involvement in the planning process for government information activities.

Recommendation #17. Involve the private sector in the process of formulating standards relating to Federal information activities.

Recommendation #18. Create or improve mechanisms for ensuring that the actions of government agencies, in developing information resources, products, and services, are consistent with the policies, goals, and long range plans that are announced.

AVAILABILITY OF INFORMATION.

As part of its view that information in general is an important resource, the Task Force considers that information distributable by the government should be openly and readily available, as expressed in Principle 5. The prices and means for gaining access to that information should be such that the private sector will be encouraged to create new products, services, and markets, as reflected in Principles 6 and 7.

Principle 5. The Federal government should make governmentally distributable information openly available in readily reproducible form, without any constraints on subsequent use.

Principle 6. The Federal government should set pricing policies for distributing information products or services that reflect the true cost of access and/or reproduction, any specific prices to be subject to review by an independent authority.

Principle 7. The Federal government should actively use existing mechanisms, such as the libraries of the country, as primary channels for making governmentally distributable information available to the public.

The associated recommendations are steps that the government can take that will aid in identifying and gaining access to information of interest:

Recommendation #10. Encourage Federal agencies to regard the dissemination of information, especially through the mechanisms of the private sector (both for profit and not for profit), as a high priority responsibility.

Recommendation #11. Identify and evaluate alternatives to existing Federal information dissemination mechanisms.

Recommendation #12. Develop and support the use of libraries as active means for access to governmental information by the public.

Recommendation #24. Announce the availability of governmentally distributable information and maintain one or more registers to help the public determine what governmentally distributable information is available.

Recommendation #25. Deposit governmentally distributable information, in whatever form it may be available, at national and regional centers, including regional depository libraries, where it may be examined at no charge.

Recommendation #26. Do not assert any Federal government copyrights on information the Federal government makes domestically available.

Recommendation #27. Use the nation's libraries and non-governmental information centers as means for distribution of governmentally distributable information instead of creating new governmental units or expanding existing ones.

GOVERNMENT IN THE MARKETPLACE.

The means by which governmentally distributable information should be made available, beyond simply being announced and deposited at identified places where it can be examined, were matters of extensive debate. Should the government take active steps to actively encourage use of government information ? Or should it depend upon the private sector to do so ? The resolution of those questions led to Principle 3:

Principle 3. The Federal government should not provide information products and services in commerce except when there are compelling reasons to do so, and then only when it protects the private sector's every opportunity to assume the function(s) commercially.

The related recommendations are to be considered as integral parts of this principle, since they embody the procedures for determining that there indeed are "compelling reasons" for the government to provide services in commerce:

Recommendation #19. Announce intentions sufficiently ahead of time to provide an opportunity for private sector involvement when a government agency, for reasons it regards as compelling, should plan to develop and/or to market an information product or service.

Recommendation #20. Review and approve, before implementation, any plans for the government to develop and/or market an information product or service, the review to be carried out by an agency appropriate to the branch of government (such as OMB, GAO, CBO).

Recommendation #21. Include an "information impact and cost analysis" as part of the process of review, evaluation, and approval of any plans for the government to develop and/or to market an information product or service, the analysis to cover economic and social effects, effects on existing products and services, effects on potential private sector products and services, and benefits to the public.

Recommendation #22. Review periodically to evaluate the desirability of continuation of any information product or service as a governmental activity.

Recommendation #23. Do not arbitrarily restrict the Federal government from enhancement of information products and services, even if solely to meet the needs of constituencies outside the government itself.

Recommendation #9. Conduct a periodic economic assessment of the impact of Federal government information products and services.

GOVERNMENT USE OF PRIVATE SECTOR INFORMATION.

The Task Force considered a number of issues related to proprietary rights, especially in the context of increasing use of private sector information in government files and, conversely, of government information in private sector products and services. The problem created by making private sector information openly available as part of government information led the Task Force to endorse Principle 4:

Principle 4. The Federal government, when it uses, reproduces, or distributes information available from the private sector as part of an information resource, product, or service, must assure that the property rights of the private sector sources are adequately protected.

IMPLEMENTATION.

The synoptic chart in Table 2 provides a classification of the several recommendations, in terms of four contexts: 1) general issues, 2) essentially governmental issues, 3) issues in the interaction between government and the private sector, and 4) essentially private sector issues. It provides a useful framework for identifying the agencies that should take responsibility for implementation of the recommendations. Specifically:

1) General issues clearly represent matters for which Congress should be primarily responsible. The NCLIS can play an important role in identifying the issues and in recommending to Congress what should be done about them.

2) Government issues clearly represent matters for which Congress must again take primary responsibility. Beyond that, however, the OMB and the various agencies of government should take the operational responsibility. And again, NCLIS can play an important role in identifying the issues and making recommendations.

3) Interactions require that both government agencies and private sector organizations--information industry companies, libraries,

TABLE 2

SYNOPTIC CHART, RECOMMENDATIONS BY CATEGORY OF ISSUES

	CATEGORIES OF ISSUES			
Principle	General	Primarily Government	Interaction between Gov't and Private	Primarily Private
1	1 2 3 8,9	4	5 10,11,12	6,7
2			15 16,17,18	13 14
3		19,20,21,22 23		
5			24 25 26	
7			27	
Total	5	6	12	4

professional societies, etc.--assume active, responsible roles. The NCLIS can serve an important means for facilitating communication.

4) Private sector issues must be the responsibility of the private sector organizations themselves. However, Congress may need to consider legislation needed for encouragement and, where appropriate, support of private sector activities.

It is of more than passing interest to note that most of the recommendations related to Principle #2, concerned with encouraging (and not discouraging) private sector investment, in fact relate to the interaction between government and the private sector. The reasons become very clear when those recommendations are seen as a group. They all call for the active involvement of the private sector in governmental planning. They reflect a felt need that must be recognized if the interactions are to be productive rather than destructive. Clearly the private sector wants to be able to make its investment plans with the feeling that its needs will be recognized, its views heard and considered, its role supported and not undercut.

SUMMARY.

The following summarizes the remaining sections of the Report:

- Definitions. This section reviews key terms with definitions of the way in which they were used in Task Force discussions.

- Context. This section describes some of the historical background that led to the present concern and to the recognition of the issues as vitally important. It then identifies the players--the private sector, the nation's libraries, government--and describes their respective roles. It then reviews the specific areas of conflict among the players, and it outlines the philosophical issues that seemed to underlie most of the discussion and to be the basis for differences in views. It concludes with a summary of the most current policy documents that have tried to deal with these conflicts.

- Principles. This section presents principles identified by the Task Force as significant in achieving national goals with respect to interactions among the several sectors in development of information as an economic and social resource. Various aspects of each principle are discussed, and specifics are presented about possible means for implementing it.

- Recommendations. This section presents recommendations concerning specific means, among the possible ones, that the Task Force feels should be considered for implementing the principles and policies that the Task Force proposes to guide the government with respect to its information activities.

- Appendices. These present material providing supporting detail for the substantive sections of the Report.

2. DEFINITIONS

In any area of controversy, the terms used in the discussion become not only means for expressing the ideas but the very focus of the conflicts themselves. It is thus necessary to develop specific definitions for the terms used, so as to assure common understanding and to clarify the conflicts. The definitions, as presented here, are not intended to be universally accepted, but the principles and recommendations must be read with them in mind.

In arriving at these definitions, the Task Force was faced with a great variety of other definitions of terms used in a number of different policy documents. These have been summarized in Appendix 2, for comparison with the definitions used by the Task Force.

OVERVIEW.

- Sectors
- Information
  - Resources, Products, & Services
  - Industry
  - Functions
- Government Information
- In Commerce
- Open Availability

SECTORS.

PUBLIC SECTOR. This term is taken to include government and, more specifically, Federal government. Agencies, like public libraries or public universities that are tax supported, even though non-governmental in character, are included.

PRIVATE SECTOR. This term is taken to include private enterprise, for-profit and not-for-profit, as well as organizations such as professional societies and trade associations, hybrids that are joint government/private enterprise, and organizations such as privately supported libraries and universities (even though they may be subsidized by public funds).

A key issue, here, was the ambiguous position of the third sector organizations (universities, libraries, research institutes, professional societies). In some situations, they are public sector institutions (public libraries and public universities, for example, are clearly part of government, in the sense that they are governmentally funded and operated), but in other contexts they function as part of the private sector. The basis for resolution of this ambiguity was never clarified, so the third sector organizations--the not-for-profit institutions and comparable activities of government--were usually treated as part of their respective sectors rather than being identified as a group separate from the other two. The fact remains, though, that the very membership of the Task Force was chosen to represent three sectors, not two.

Therefore, it is worthwhile identifying the three sector division that implicitly, and sometimes explicitly, was used in the discussions:

> PRIVATE ENTERPRISE. Organizations in the private sector, in business for the purpose of making a profit.
>
> NOT-FOR-PROFIT ORGANIZATIONS. Organizations, both public and private (such as universities, libraries, professional societies and trade associations, non-profit research institutes, etc.), that provide non-governmental services, but without the purpose of making a profit from doing so.
>
> GOVERNMENT. Federal, state, and local government, including legislative, executive, judicial, and independent agencies performing the functions in governing the society.

INFORMATION.

The term "information" was repeatedly used in the Task Force discussions, but it was impossible to arrive at an agreed upon definition. It appeared and was generally understood to refer to the content or symbolic substance of a communication, as separate from the physical form in which the communication occurred. But despite the appearance of a general understanding of the term, it simply eluded specific definition.

The problem faced by the Task Force is exemplified by the definition of "information" given in the 9 June 1980 draft statement from the OMB, concerning "Improved Management and Dissemination of Federal Information: Resuest for Comment". In it, "information" is defined as "...publications and other documents, such as reports, studies, and brochures, which are available in a paper or microform media (sic)." That definition (in identifying "information" with the media that convey it, and with a limited set of such media at that) is irreconcilable with the usage in the Task Force.

Although "information" was not defined by the Task Force, the following characteristics of it were recognized:

- o Information is an intangible which can be made available in many media.

- Information is not consumed by use; it can be resold or given away with no diminution of its comtent.

- The price of information bears little relationship to the costs of making copies available; the "first copy" cost is likely to represent most of those costs, with reproduction costs being relatively minor.

- The value of information often is determined more by when it is available than by the costs for making it available or even by what the actual content of it is.

- The value of information increases as the amount of data involved and the degree of analysis provided of those data increases.

- Information has value in the marketplace, and is perceived as a capital resource, an investment, an essential tool for decision-making, and a means for better management of tangible resources.

The term is therefore taken as a "primitive", to be interpreted as needed. On the other hand, combinations of that word with other words--information resources, information products, information services, in particular--were explicitly defined.

RESOURCES, PRODUCTS, & SERVICES.

INFORMATION RESOURCE. A collection of information, together with facilities for accessing and processing it, from which information products ans services can be derived.

INFORMATION PRODUCT. A discrete package of information, developed prior to specific needs for it (except perhaps the first), usually with expectation of providing it to a number of users without modification.

INFORMATION SERVICE. Means for storing, accessing, processing, or delivering information to meet the needs of specific users at the time they request it.

The term information resource was taken to include data bases, libraries, and other organized collections and files that could be used for the production of information products and services.

The differences between an information product and an information service were a matter of extensive debate and, in fact, seemed to exemplify rather fundamental issues in the discussion. In particular, the "service" represents the primary emphasis of data base service suppliers, with products being only incidental results; for other kinds of information activities, however, such as publishing, the services they provide are incidental to the creation of products. The distinction became especially important in the context of governmental data bases, because of the extent of "information service" implied by them. In any event, the distinction is that a "product" is the result of a decision made independent of the decisions of specific users; a "service" implies interaction between the user and the system providing the service, including continuous or episodic review of alternatives, expanding upon or making changes in the content or form of the information, or in general adapting the information to the needs of the specific user.

INDUSTRY.

The information industry has been defined in a number of ways by various persons. An implicit definition is given by the membership of the Information Industry Association; explicit ones were given by Bell and Machlup. Most recently, Marc Porat used one encompassing banking, education, advertising, brokerage, etc., as well as the more traditional information industries, such as publishing, and the newer information industries, such as data base services.

The Task Force limited the discussion to the following use of the term:

> INFORMATION INDUSTRY. Those organizations providing information products and service in the marketplace.

There was disagreement over whether the information industry should be limited to private sector organizations, thus excluding governmental agencies such as NTIS and the GPO. Those arguing that it should include government agencies and their contractors saw the term as representing a kind of function; those arguing against doing so, saw the term as representing the difference between public and private sectors, "industry" being confined to the private sector.

In this context, there was also specific concern about the relationship of private sector organizations serving as contractors to the government in providing information services. For the purposes of the Task Force, such organizations, at least in their role as contractors, were regarded as synonymous with the government agency using them. The crucial point in this respect is "who determines the policy ?" If the government has done so, there is really little difference, from the standpoint of the issues of concern in the Task Force, between the government carrying it out and a contractor to the government doing so.

FUNCTIONS.

In the discussion, it became necessary to define a number of terms relating to functions involved in information systems.

INFORMATION CREATION or GENERATION. These terms were used to characterize situations in which there were no existing sources from which the information can be directly derived. For example, a scientific study would represent the generation of information, as would the collection of census data (since it involves no existing source except the population itself).

INFORMATION COMPILATION. This term is used to characterize situations in which the information is derived from existing sources.

INFORMATION PRODUCTION. This term encompasses the broad range of processing functions, which operate on information that has already been created or compiled, adding value to it, changing its format, but not really changing its content.

INFORMATION ACCESS. This term encompasses the processes by which a user obtains access to information; they may include on-line access, implying a set of functions for selection, presentation, and other services.

INFORMATION DISSEMINATION. This term encompasses the processes by which an organization providing information actively distributes it to users, without the necessity for the users to seek access for each such distribution.

The difficulties in defining these terms are exemplified in the use of the term "access". At the most restricted level, it could be taken as not including distribution, selection, or change of the data. At the next level, access might consist of a distribution function, such as depositing copies at national or regional centers where they can be viewed and copied. At a level of easy accessibility, it might consist of storage in an online data base service, with full capabilities for selection of data from it and for delivery of those data in the form needed by the user.

GOVERNMENT INFORMATION.

Most of the Task Force deliberations focused on the availability of "government information", but the definition of that term fluctuated widely during the discussion. At times, the term was taken very broadly, including all kinds of information generated by or collected by the government or by its contractors. At other times, the term was taken very narrowly, limited to the definition given by the OMB, in which it is restricted to mean "...for which the government is the primary user"; that usage contrasts "government information" with "public information", the latter being interpreted as "...information to inform or educate the public".

Major concern was felt, however, with the term "government information", even while it was being used, since it was clear that it failed to distinguish and make explicit the variety of forms, purposes, sources, and utilizations made of information that may appear to be covered by it. As a result, users interpret the term to mean what they want (or, in some cases, don't want) the term to cover. To illustrate, any or all of the following types of information were encompassed during some part of the discussion:

- Information contained in the records of government actions (e.g., the Federal Register, the Congressional Record), published to inform the public as well as to record the action.
- Information contained in publications whose aim is to educate the public (e.g., many publications available from the Government Printing Office).
- Information derived from statistical programs of the Federal government (e.g., Census, BLS), developed to assist the government in its proper functioning.
- Information collected from government sponsored research and development projects, whose purpose is technology transfer.
- Information compiled by the government, frequently from private sources as well as governmental ones, with the purpose of providing support to particular segments of the public (e.g., Index Medicus, derived from indexing of literature in the field of medicine).
- Information compiled from a variety of sources with the purpose of supporting particular economic or social policies of the government.
- Information provided by the government with the potential purpose of influencing the political process (e.g., press releases).

The first problem, then, with the term "government information" is that these widely varying usages are all brought together in one unresolvable mass.

The second problem, exemplified by several of the above illustrations, is the fact that the term "government information" fails to differentiate among the several sources from which the information is derived:

- Some information is the direct result of government action, generated by the government (e.g., legislation, regulations, and reports of government actions).
- Some information is generated by the government, not as a result of government action, but as a necessary component of meeting functional needs (e.g., cataloging

data produced by the Library of Congress).

- Some information is created by the government based on data obtained from the public (e.g., much of the statistical data falls in this category).
- Some information is obtained for the government by contractors (e.g., the reports from government sponsored research and development projects, ERIC indexes and abstracts).
- Some information is derived by processing data from both public and private sources (e.g., indexes to current literature in specific subject fields).
- Some information is taken essentially verbatim from private sources (e.g., data from private data base services, retrieved and stored in government data bases).

A third problem with the term "government information" is that it fails to differentiate the various forms in which information can be distributed. This problem is exemplified by several definitions included in Appendix 1. While the form of distribution may not affect the information itself, it does affect the uses that can economically be made of it. To illustrate:

- Some information is distributed in printed or microfiche form, usually called "government documents" (e.g., reports of government contractors and government agencies).
- Some information is distributed in the form of magnetic tape (e.g., Census Summary Tapes, MARC Tapes).
- Some information is made accessible through on-line data base services operated by the government (e.g., MEDLINE, the Department of Energy data base service).
- Some information is made available through private sector data base services (e.g., ERIC data).

A fourth problem is the implication in the term "government information" that there is ownership of the data. Aside from the question of the propriety of government ownership of information, there is the conflict with private property rights if private sector information has been included in information. The problem arises because of the view that government information has been paid for by tax-payer funds and therefore ought to be made readily, even "freely" available; private sector information included in it might then lose its proprietary value.

Each of these problems interacts with the others, and while there is some overlap among them, there are no easy ways of reducing them to a limited number of sub-categories of government information. This complicated the task of coming to agreement on several principles, since different categories of government information will almost certainly require different conditions for availability.

The issues related to the term "government information" were extensively discussed, with concentration on the significance of "rights of ownership" of the information. Thus, the government may have rights because it generates the information, because they have been granted contractually, because the information is in the public domain or within "fair use", because of the right of "eminent domain", because it "owns" the information. However, the point is that "ownership", as such, does not appear to resolve the issues, since there are a number of questions that it begs: What are the rights implied by ownership of data ? Do government rights in these respects differ from private rights ?

Given all of these problems with the term "government information", The Task Force decided to focus on a substitute that could be used in the context of the issues and principles of concern:

> GOVERNMENTALLY DISTRIBUTABLE INFORMATION. Information brought together for governmental purposes from information in the public domain or within the scope of "fair use", or owned by the government itself, or that the government has obtained rights to distribute, or that is distributable under the Freedom of Information Act, subject only to the statutory limitations (such as national security, personal privacy, etc.).

The phrase "brought together" is interpreted as including generating, compiling, processing, collecting, and analyzing. The phrase "...or that is distributable under the Freedom of Information Act..." was added because the the Task force feels that the principle of that Act should be reinforced and emphasized.

IN COMMERCE.

The Task Force discussions were focussed on situations in which the government has engaged "in commerce", at least with regard to governmentally distributable information. Since it is relatively rare, in the United States at least, for government to engage "in commerce", it is important to define that term and to suggest why it is an important issue.

> IN COMMERCE. Engaging in those practices consistent with the active development, production, marketing and distribution of a product or service for purposes of deriving income from its sale.

The complication when the government functions "in commerce" is that, while it may engage in those practices, it may or may not be doing so for the purpose of deriving income. In particular, an agency may have identified "compelling reasons", such as a failure of the marketplace to serve a need, and having done so proceeds to develop, produce, market, and distribute an information product or service to meet that need. The objective is to meet the need, but the practices are those of anyone engaged "in commerce".

This becomes an issue when the imperatives of the process lead the agency along the sequence of stages from identification of a need, through development, to active marketing and distribution without examining the economic and social effects of doing so. Thus, having developed a product, the government is led to begin commercial marketing of it (perhaps without full consideration of the possible alternatives), to educate the users in how to benefit from it, to identify needed improvements that will meet the needs better. Each of these stages occurs without the constraints represented by commercial viability, but with all of the effects of a commercial operation.

OPEN AVAILABILITY.

The Task Force found it necessary to distinguish between "open availability" and "free availability", since the latter term could be interpreted as meaning "without cost":

> OPEN AVAILABILITY. Making information available without prior restrictions (except those explicitly identified in the Freedom of Information Act) and without procedural complications.

3. GENERAL CONTEXT

OVERVIEW.

- Historical Background
- Information in the Economy & in Society
  - o Information as a Tool and a Commodity
  - o Information as a Personal & Societal Asset
  - o Information in International Commerce
  - o Information Technology
- The Players & their Roles
  - o Role of Private Enterprise
  - o Role of Libraries
  - o Role of Government
- Interactions among the Sectors
  - o Role of Government
  - o Cooperation among the Sectors
  - o Government "in commerce"
  - o Availability of Information
- Current Policy Statements
  - o Paperwork Reduction Act of 1980
  - o Circular A-76
  - o Joint Committee on Printing
  - o Draft OMB Circular

HISTORICAL BACKGROUND.

In the years since the first Soviet space shot in 1957, study after study has been published concerned with Federal policy to improve information services, initially in the realm of scientific and technical information, but in recent years increasingly in the broadest scope of national information needs. During 1977/78 more than 1500 measures related to information were introduced in the House and Senate; 74 became law. They were concerned with subjects ranging from energy and clean water to food and health to foreign investments and ethics in government. This pattern continued into 1979/80, when 87 public laws were passed containing provisions directly related to information. They covered information issues involved in energy, health, education, welfare, finance, justice, confidentiality and privacy.

The result has been an increasing interest throughout government in the development of policy that would guide the Federal agencies in meeting their respective responsibilities to the public with respect to dissemination of information. Within the two years since the Task Force began its work, the number of policy reviews has dramatically increased in this area and related ones. These historical reports and recent policy documents provide the historical context for the work of the Task Force. In particular, the following points should be noted:

- Part of the reason for present concerns that led to the establishment of the Task Force is the fact that, whereas the original focus of Federal policy may have been in the area of scientific and technical information, there is now a vastly larger frame of reference.

- Throughout the sequence of prior reports and studies, there were several continuing threads that relate to the concern of this Task Force. One of them is the near unanimous call for "cooperation between public and private sectors". This was a matter of debate within the Task Force, so it is important to recognize that "cooperation" is not a self-evident good.

- Another thread is the repeated call for "a national information policy". This is a view which troubled the Task Force, so it is important to recognize this difference from the historical pattern.

- Some of the most current history (as represented by the events within the past two years or so) is immediately relevant to the Task Force.

INFORMATION IN THE ECONOMY & IN SOCIETY.

There has been an increasing awareness of information as something of economic value, as a commodity, as a tool for better management of tangible resources, as an economic resource in and of itself. This view of economic importance has been added to the historical recognition that information is essential to a democratic society and to the well being of both the society as a whole and the individual personally.

INFORMATION AS A TOOL & A COMMODITY.

An operational use of information, of obvious economic value, is in the management of large organizations. It would be impossible to run many of them in their present complexity without the use of information technology. This is especially true of financial institutions, the transportation industry, the computer industry itself. Emphasizing these aspects of the economic value of information, some Task Force members view information as a support to productivity rather than an end in itself. They feel that confusion arises from regarding it as other than simply a tool that allows for better management of the tangible resources represented by the other sectors of the economy.

On the other hand, other members of the Task Force see "information" as something of economic value in itself, rather than simply a means to an end. In particular, and perhaps most important with respect to the issues with which the Task Force is concerned, the fact is that information has value in the marketplace. It therefore can lead entrepreneurs to the development of products and services for sale. To them, an "information resource" is indeed a capital resource, an investment, and the essential tool for production of their products and services.

INFORMATION AS A PERSONAL & SOCIETAL ASSET.

Aside from the economic value in use of information, of course, is the social and personal value. The maintenance of a free press--taken broadly to include radio, television, and motion pictures as well as print--is vital. The citizens need ready access to information about the society if our democratic system is to continue to function. This role of information is so important that it is explicitly recognized in the First Amendment to the U.S. Constitution. And the values of information in education, scientific research, technology transfer, personal development, and recreation are all self-evident.

The White House Conference on Libraries and Information Service passed resolutions that are especially germane to those values:

> " ...a National Information Policy (should) be studied and implemented. This should: (1) guarantee all citizens equal and full access to publicly funded library and information services; and (2) ensure government agencies at all levels work together to make available all new and existing library and information services to the maximum extent possible; and (3) protect the privacy of all segments of our society including personal privacy, economic privacy, and national security.
>
> " ...all persons should have free access, without charge or fee to the individual, to information in public and publicly supported libraries... a National Information Policy (should) insure (that right). "

INFORMATION IN INTERNATIONAL COMMERCE.

The international aspects of the information economy are becoming increasingly important. New means of communication, the growth of multi-national corporations, and the steady growth in the trans-border flow of information products and services--all have combined to make information important in international relations as well as in the national economy.

In the international arena, considerable quantities of information products and services are being sold, exchanged, and distributed. The U.S. is the world leader in the exportation of such products and services as well as of information technologies. The result has been an increase in national "social and cultural consciousness", comments about "cultural imperialism", economically inspired interest by foreign governments to obtain a larger share of the burgeoning information market, and the development of strong national information policies by foreign governments.

The U.S. has, on the other hand, maintained its traditional emphasis on marketplace competition, and has not provided direct government support to the private sector information economy. Nor does it have a national policy on the development of the information infrastructure in the U.S. The result is that there is no formal channel for identifying the needs of the U.S. information industry viz a viz their foreign competition.

INFORMATION TECHNOLOGY.

New technologies and services offer the private sector and the government potentially more effective and less expensive ways of performing existing and new information processing functions. However, at the present time, there are a large number of areas--including many of those addressed by the Task Force--where policies make technological distinctions that may impede introduction and use by the private sector of new information technologies and the services based on them. Other policies have the effect of moving the government to favor certain information technologies and to avoid others. Many of these kinds of policy distinctions between technologies are being recognized as inappropriate, because they act to help entrench existing technologies at the same time they make it more difficult to introduce new ones.

The application of new information technologies has also created conflicts between the various parts of the information industry where none existed before, and has exacerbated many existing policy conflicts. Newspapers, telephone companies, television, online data base services--all until very recently saw themselves as distinct from one another, largely along the lines of technology. Now those same companies are beginning to perceive that the service each has provided can be provided by other, newer technologies. As a consequence, all of these industries are rapidly becoming competitors of each other.

Because some policies appear to be interfering with realization of the full benefit of the choices of technologies and services, the Task Force feels that a major effort must be made to make policies less sensitive to the underlying technical means of performing information functions. However, the Task Force feels that the issues involved in such an examination are much broader than the specific charge to the Task Force or than the time available permitted the Task Force to identify and resolve.

THE PLAYERS & THEIR ROLES.

Vital information, generated by the government but available only through "freedom of information" procedures, is less useful than if it were in a data base or published with pervasive distribution. But delivery mechanisms must be paid for. Thus the fundamental issue is in creating methods to provide the most economic and effective means for delivery of that information as well as balancing the market mechanisms with the political ones as means for identifying what the public good is and how it should best be met.

The issue of who pays for things is crucial, far more so than what they cost. Access to information is always a mix of costs incurred by the creator of the information, by the service providing access to it, and by the user in getting the access (over and above what may be paid to the creator or the service). If the costs incurred by the user can be reduced, perhaps the price charged by the creator or the service can be increased. The problem, though, is that some user costs are not convertible into the payment of a price. For example, the time that it takes for a user to go to a service represents a real cost, but not one translatable for most users into dollars that could be spent for a service that reduces that time. One must consider carefully the balance between public and private funding.

Let's look at some of the participants in this process and identify their possible roles:

ROLE OF PRIVATE ENTERPRISE.

The kinds of things that the private sector can do most effectively are those which respond most directly and immediately to the needs of the market place and thus to the consumer:

- Marketing and active distribution
- Re-packaging to meet specific needs
- Providing speed and flexibility of response
- Reacting to new situations with minimal delay
- Anticipating and assessing potential needs
- Creating new information products and services
- Injecting private investment funds to meet the opportunities for growth

Through the interplay of private risk, profit potential, and price, the market economy allocates resources to the production of desired goods and services. Demand is measured by the voluntary payment of a price for a particular good or service. Both producer and purchaser consent to the transaction; no coercion is involved and both parties benefit. If there is insufficient demand for a product at the price which will provide a profit, the private entrepreneur may decide not to invest risk capital unless and until there is some change in the purchasers' willingness or ability to pay the price or there is a change in the means of production that leads to a reduction in costs. On the other hand, the entrepreneur may be willing to subsidize delivery of such a product in the expectation that demand will increase over time. In either case, the decision is made in terms of the individual decisions--by the entrepreneur and the purchasers. The result is that the cumulative decisions lead to the optimum allocation of resources to produce the products and services that the purchasers want, not those that a government agency determines that they need.

A specific example of the potential role of the private sector is provided by online data base services. Today it is a successful area of business in the U.S., in large part as a result of commerical development. The private sector organizations involved in it encourage the Federal government to make government information more readily available and equally available to all potential users at an appropriate price (preferably low, so as to facilitate distribution to the general public). Some members of the Task Force feel it is the responsibility of the private sector to distribute, with the government serving as "wholesaler". In contrast, other members of the Task Force feel that the government should have a direct role to play in the offering of such services to the public.

ROLE OF LIBRARIES.

The kinds of things that libraries can provide, because of their nature and the history of their development, are the following:

- Assure the preservation of the record
- Provide points of access to information resources, products, and services
- Provide the "safety valve" for information access for society, especially so that "ability to pay" does not prevent persons from getting access to information they need
- Provide means for distribution, on a less active basis than would be provided by the entrepreneur
- Provide the staff for general information service, in contrast to the specialized information service provided by the entrepreneur

The rationale for this role of libraries is relatively simple. In earlier days, the individual personally acquired informational and recreational materials if and as needed. Eventually the available material exceeded the individual's collecting capability. So individuals banded together and collected materials jointly. Nowadays the quantity and costs of materials exceed even the capability of the individual library, so libraries now band together in jointly managed cooperative networks for access.

Libraries are markets for information products as well as processors of information and secondary disseminators and distributors of information. But in these functions they act as a service to the ultimate users of the information, not as information users themselves; they derive economic support by providing such services, but not from the results of those services.

An important aspect of the library's philosophy of access, as far as the public library at least is concerned, is the view that there should be equity if not equality for all users. In particular, "ability to pay" should not raise barriers which effectively and discriminatively deny access to information. In part, this is a result of the historical process, but it is also a result of the nature of the library as an institution. Its costs are not generally borne by the individual user (even outside the context of the "free" public library). Thus, support of the library usually must be based on the aggregated benefits to the entire set of users of it. It is always difficult to determine aggregated benefits, but when part of the benefits are inherently difficult to translate into dollar terms, the difficulties are compounded. In the case of the library, part of the benefit is the assurance that information will be preserved so that it will be available when needed (the so-called "archival" role of the library); part of the benefit is the reduction in time and cost for access to the data when it is needed. Both of those are almost impossible to translate into dollar terms for most users. But the aggregated value, to society in general or to specific organizations, is great and fully justifies the support of the library. It is those aggregated benefits that the library sees in its philosophy of equity in access.

ROLE OF GOVERNMENT.

The kinds of things that government can provide are the following:

- o Assure that needs are met that are regarded as important by the society as a whole even though they may not be served by the entrepreneur
- o Provide capital investment in information resources that are beyond the capacity of private investment
- o Provide for availability of information in areas, exemplified by the national census, for which it has specific responsibilities
- o When appropriate, provide subsidies (as exemplified by preferential postal rates for special classes of material or categories of users).

Some members of the Task Force feel that it is a proper role of government to provide the means of satisfying the needs of society when the mechanisms of the market fail to do so, when there is no private sector service to a community that needs it, when the costs or quality of a service are not consistent with the needs of society, when the benefits to producer and purchaser are at odds with the benefits to society, etc. The political process becomes society's substitute for the marketplace process. Other members would argue strongly against such a role.

If the government is to take an active role, however, the alternative available would seem to be:

1) Regulating the activities of the private sector
2) Changing incentives so that the forces of the marketplace will fill the needs
3) Providing subsidies to producers or consumers
4) Directly intervening in the marketplace, providing products and/or services in commerce as a government activity.

Turning to the first and second alternatives, perhaps the most important point is the recognition that the Federal government should see itself in a role of leadership rather than of management, in partnership with the private sectors rather than in control of them. The main thrust of the recommendations that will be presented in this Report is therefore toward identifying those policies that would foster that kind of interaction, with the Federal government creating a climate in which development would become a reality.

On the surface, that may appear almost to be a truism, something that is so integral to our form of government and to national economic policies that either it doesn't need to be said or at most needs simply to be comtinually re-affirmed to assure that it remains central to our national ethos. But the facts are that the growth of information activities in our society poses almost unique problems in the relationships between government and the private sector. Whereas it has long been true that agriculture, industry, and consumer service functions in our economy have been carried out largely or entirely by the private sector (rather than the government), the government has long had a tradition of generating, collecting, and disseminating information of all kinds.

Turning to the third alternative, some members of the Task Force would argue that government subsidies may always be necessary to assure that the results of valuable research are not left unpublished and unused simply because the market is small and the costs for distribution therefore prohibitive. The value of research information is frequently seen only long after publication. Other members would strongly argue that such subsidies are neither warranted nor desirable. They would raise questions about why subsidies were needed; if so, however, the problem is how those subsidies should be provided: to the user ? through government agency services ? to the creators of the information ? to the distributors ?

Turning to the fourth and final alternative, the direct entry of the government into commerce, providing information goods and services, the fact is that much of government is involved in developing and disseminating information. It is difficult to find examples of governmental activities that are not information processing, since they function largely on the basis of collecting and distributing information. But beyond that, the government has been a major source for a significant proportion of the information used in the private sector as well as in government itself.

The involvement of the Federal government in providing direct, operational information products and services has steadily increased, so that the government has become not only the source of a large proportion of information used by society but the means for access to and distribution of that information.

Some measure of the magnitude of government publication programs is given by The Library of Congress 1978 Survey of Publications Policy which listed the number of publications distributed by each agency. The results show that, by any measure, this is a major publishing activity, perhaps the largest in the world. As a result, the opportunities for conflict between this activity of government and comparable activities in the private sector are growing.

INTERACTIONS AMONG THE SECTORS.

Which brings us to the specific issues involved in the interactions among the several sectors, as they were considered in the deliberations of the Task Force. In each case, we will briefly characterize the issue involved, and discuss the differences in viewpoint expressed by the various members of the Task Force. Sometimes these differences were expressed overtly and specifically; sometimes they were evidenced by controversy over the definition of terms, the wording of statements, the inclusion of examples; sometimes they led to draft text identifying positions.

GOVERNMENT IN COMMERCE.

The most basic issue of controversy, of course, related to the role of government. Is it to be an active agent in solution of problems and in meeting perceived needs of groups in the population ? Or is it to be limited, serving solely as the means for establishing the framework within which other sectors of the society solve those problems and identify and meet the needs ?

Normally, an issue of controversy can be characterized as a mix of positions, rather than as a stark dichotomy. In those cases, the problem is usually one of emphasis, of priorities, of the proper mix. But in the case of this issue, the division does appear to be dichotomous and probably irreconcilable. It's not so much a matter of "capitalism vs. socialism", since there seems to be none on the Task Force that would urge that the government should "take over" any segment of the information industry. It does seem to be a matter of whether or not the government should provide any services that could be provided by the non-governmental sectors.

Those that would argue for restricting government will use terms like "competition from the government" and are concerned about how to control the incursion of government into ever increasing areas of activity. Those who would argue for allowing the government to be an active agent (in distribution of information) will use terms like "market failure" and are concerned about how to meet needs that the forces of the marketplace appear to miss.

This all seems to reflect the fact that public policy dealing with information is bound to be heavily colored by the political philosophies underlying conservative vs. liberal approaches to the role of government.

COOPERATION AMONG THE SECTORS.

These differences are even reflected in a related issue: Should the sectors be regarded as cooperating in the process of distribution of information ? Some members of the Task Force see government and the private sector as cooperating components, each meeting needs of society in the way that it best does; others see them either as competitive or, at most, as complementary without a pattern of sharing responsibility. Since many of the previous studies and reports have recommended "cooperation between the public and private sectors", it is especially important to note that this has become an issue of controversy in the Task Force, rather than an accepted truth.

It is important to identify the reasons for bringing the issue of cooperation into question, so that it doesn't appear to be a frivolous matter. Throughout the Task Force discussions, the relevance of the "press model" was repeatedly recognized, with the view that information taken broadly should be governed by the principles embodied in the First Amendment to the Constitution. In that frame of reference, the "press" and by analogy "information", more broadly taken, should never be under the control of government. Cooperation with government carries with it commitments to support and participate with the government, to some extent yielding the independence of action so vital to an effective free press. It is for this reason that concern about "cooperation", desirable though it may appear on the surface, was expressed.

GOVERNMENT "IN COMMERCE".

Perhaps the most crucial aspect of both of the above listed points of controversy is the entry of government into the marketplace--"in commerce". Some members of the Task Force see that as a threat to private enterprise, to the balance between government and the private sector, to the controls on government through the political process. If government agencies function as though they were commercial enterprises, with income on which to finance their operations, they become competitors of the private economy, to some degree independent of political controls but also without the market controls that limit private enterprise.

AVAILABILITY OF INFORMATION.

The question of whether there is a responsibility to ensure the availability of information has been a point of controversy in the Task Force. Some members regard it as essential that availability not be limited by the financial resources of the individual. They would argue that there is a responsibility to ensure equity, if not equality of access. Others regard availability as purely an economic issue, with the need for information to be determined by the marketplace. They would argue that it would be a mistake to attempt to satisfy the perceived needs of small groups--such as a single person--simply because they were not being met by the available sources; the marketplace should determine what information is provided.

In that context, the Task Force discussed the concept of a "subsistence level" for information, comparable to those for food and housing, with the view that the individual citizen needs information for both personal life and to fulfill responsibilities as a citizen. However, some members of the Task Force consider that the only issue in availability of information is timeliness. They see the need as simply to improve the speed of delivery. They regard the notion of "information subsistence-level" as leading to subsidies which would ultimately be unwise and unjustified. Other means should be found, especially ones that would depend upon private sector approaches.

CURRENT POLICY STATEMENTS.

Several efforts are currently underway in the Federal government to provide the policy guidance necessary to avoid or to resolve those conflicts.

PAPERWORK REDUCTION ACT OF 1980.

The Paperwork Reduction Act of 1980 has assigned major responsibility to the OMB to regulate the activities of Executive Branch agencies with respect to information acquisition and distribution. This is the most recent and most dramatic step. It must be recognized though that the Paperwork Reduction Act deals primarily with information activities within the government itself, not with the relationship of them to the private sector information products and services.

CIRCULAR A-76.

The General Accounting Office is conducting a study of Federal information activities, and the Office of Management and Budget is revising Circular A-76 to clarify the circumstances under which the government should be involved in the business of information dissemination. The principal guidance of A-76 is clear:

> " In a democratic free enterprise economic system, the government should not compete with its citizens. The private enterprise system, characterized by individual freedom and initiative, is the primary source of national economic strength. In recognition of this principle, it has been and continues to be the general policy of the government to rely on competitive private enterprise to supply the products and services it needs. "

The problem is how to interpret such guidance in specific situations where the objective of relying on the private sector appears to conflict with the need to provide needed services to the public. Even more difficult problems arise when the private sector develops capabilities to provide services initially provided by the government, or vice versa. Furthermore, it is important to recognize that the identification of need for government action is essentially a political problem, not an administrative one. The decision needs to be made as a result of the political process, not the bureaucratic one. Finally, it must be recognized that the context for Circular A-76 is really quite different from that of concern to the Task Force. Circular A-76 relates to the desirability of government contracting for services it needs, rather than to its providing services to the public.

JOINT COMMITTEE ON PRINTING.

The 1979 review of policy issues by the Joint Committee on Printing idenified policy issues with respect to (1) administration of policy, (2) Federal government printing production and procurement, (3) impact of new technology, (4) access to and distribution of government information, (5) the depository library program, and (6) the pricing of government information. Six topics were analyzed in depth:

1. How much centralization of the Federal government printing and publishing program is possible or desirable ?

2. How accessible should government information be ? Who should pay for it: the source, the publisher, the user ? Should it be available in any format ? What should be the roles and relationship between public and private disseminators ?

3. What is the impact of new technology on government's printing and dissemination system ? On organizational structures ? On labor ?

4. What is the role of the depository library program ? Is there a benefit to competing suppliers of government information ? What fiscal support should the Federal government lend to programs providing public access to its information ?

5. Who should establish and administer policy in the generation, production, and dissemination of government information ? Are enforcement tools necessary ?

6. How much should government information cost the citizen ? Should any users by subsidized ? Is government information an economic good and/or a social good ? What is the role of the marketplace ?

DRAFT OMB CIRCULAR.

In the draft OMB circular, the following principles were suggested:

" a. Public information held by the Federal government shall be made available to the public in an effective, efficient and economic manner.

" b. All other information shall be subject to release to the public unless exempted by the Freedom of Information Act, other law, or potentially subject to claims of privilege in litigation. However, even information which is exemptable may be released unless prohibited by law, executive order or regulation.

" c. Information is not a free good; however, no member of the public should be denied access to public information held by the government solely because of economic status. In particular, the Federal government shall rely upon the depository library system to provide free citizen access to public information.

" d. Information available through a mechanism other than the depository library system shall, unless required by law or program objectives, be made available at a price which recovers all costs to the government associated with the dissemination of such information. Information released in accordance with the Freedom of Information or Privacy Act shall be made available at such fees as required by the appropriate law. Fees for information shall be waived or reduced when in the public interest and permitted by law.

" e. The Federal government shall, in accordance with OMB circular A-76 and where not inconsistent with law, place maximum feasible reliance upon the private sector to disseminate public information.

" f. The head of each executive department and establishment, consistent with existing laws, has primary responsibility for determining what information will be made available to the public, the methods to be used in making it available, and the price to be charged. "

4. PRINCIPLES

We turn now to the Principles that have been identified by the Task Force as the basis for determining policy decisions related to Federal government activities with respect to the distribution of information. In each case, we will define the principle and then discuss problems or critical issues related to it. Then we will summarize means for implementation, including the related recommendations that will be discussed in detail in the following section of this Report.

There are two points to be made of general importance. First, the Task Force considers that these principles should be viewed as a whole and that none of them should be taken in isolation from the others. Second, in many situations, some of the principles may conflict with each other or with principles outside the scope of these deliberations. There is no way in which such conflicts can be resolved in the statement of principles; they can only be resolved in the specific situations in which they occur.

In the following presentation of principles, reference will be made to the "Draft Report" and the preliminary text of them as given in it. This is for the purpose of highlighting the discussion of issues of controversy and differences of view within the Task Force. We feel that the bare boned statement of each principle couldn't begin to convey the reasons that it is regarded as important. It could give the appearance of triviality or of the statement of a truism, belying the depth of the issues actually involved. By presenting the flavor of the discussion leading to the statement, we hope that some sense can be gained of the points at issue that had to be resolved.

OVERVIEW.

Governmental Leadership
Encouragement of Investment
Governmental Information Services
Government Use of Private Sector Information
Availability of Government Information
Pricing of Government Information
Libraries

GOVERNMENTAL LEADERSHIP.

In a formal vote, with one abstention the following principle was UNANIMOUSLY accepted by Task Force members present:

Principle 1. The Federal government should take a leadership role in creating a framework which would facilitate the development and foster the use of information products and services.

DISCUSSION.

The Federal government has the opportunity to play a significant role by leadership of the country in fostering the use of information as an economic and social resource. The reasons for calling on the government to play this role are many. The overall growth of information as a component in the economy, both in the United States and abroad, has made it a dominant factor in national progress. Further development of it is essential, especially in view of the mounting competition from other countries, functioning with direct governmental involvement.

The wording of Principle 1 in the Draft Report was as follows:

> The Federal government should take a leadership role in the development of information as a national resource for economic and social advancement.

That wording was discussed in detail:

- o Replace "should" by "must" ?
- o Replace "information" by "information products and services" ?
- o Replace "development" by "encouragement of development" ?

The debate then centered on the text as finally voted upon. The following brings out issues that members of the Task Force regard as important:

- o Some members wanted the phrase "national resource" to be included as descriptive of information.
- o Concern was expressed about how the role of government could be confined, with the view that "creating the framework" was already giving it too much flexibility. The aim is to create a climate that will encourage development, but mot manage it.
- o The alternate phrase "essential information products and services" was extensively debated, with emphasis on the extent to which the Federal government role was restricted or expanded by that wording. One view was that the government should be limited to encouragement only when there were essential national needs involved; the opposing view was that the responsibility for defining what was essential would by its nature expand the role of government. The former view was based upon concern about what the form of encouragement would be, the effects upon proprietary rights, and a concern about how the role of government could be constrained. The latter view, on the other hand, was based on the principle that the primary role of government is to establish the framework, independent of what may or may not be essential; while the political process may identify some things as "essential", that's independent of establishing the framework.

- o All of that discussion was within the context of the view that the government's role should be limited, not expanded by this principle. However, some members of the Task Force expressed the view that the government should not arbitrarily be limited, that it has a responsibility to determine what is essential to the national interests.

It must be stressed that we are talking about leadership, not management. We regard this as a realistic and important distinction. The aims as they are interpreted by the Task Force will not be achieved by Federal government setting a "national information policy", with the view that by doing so it would manage the entire information enterprise of the country. Rather, the goals can be achieved if the government sets policies that will guide Federal agencies in their information activities, and makes those policies coherent, so that a context is established within which non-governmental sectors can function. The view that the government can "manage" the national information system is regarded by the Task Force as both irrational and counter to the entire political philosophy of the country. But it is both rational and feasible for the government to manage its own activities in such a way as to foster the growth of information as a national resource.

This view of government leadership with respect to development of information as an economic and social resource is consistent with an emerging concept of "industrial policy", in which existing activities are being examined for their relationships to long range goals and plans for improved industrial productivity. The information economy is both an integral part of the industrial environment and an essential tool in the improvement of productivity. This has been recognized by the OMB, by the Office of Telecommunications (now NTIA), and by other government agencies, but it needs to be made explicit in the form of coherent policies to guide Federal agencies.

IMPLEMENTATION.

Among the most important steps in fulfilling this leadership role are those that will serve to encourage the private sector to innovate and compete. Charles L. Schultze, in his book The Public Use of Private Interest, pointed out, "...the growing industrialization, urbanization, and interdependence of society generate an array of problems that cannot be handled by the purely voluntary buy-and-sell mechanism of private markets." He refers specifically to the "high cost of information"--to the consumer as well as to the decision-maker. It is important to note that Schultze regards the mechanism of the marketplace as the best means for dealing with problems that are so large and complex that no one, including the Federal government, can "manage" them. It is for that reason that Schultze is suggesting that instead of calling on the Federal government to step in and provide the services required in such cases, society should make use of mechanisms that would provide incentives for the private sector to do so.

Among the recommendations in the next section of this Report, the first twelve are specific to this principle. They include an affirmation of the First Amendment applicability to information products and services in general, encouragement of the use of efficient technologies, support to educational and research programs, an urging that there be periodic reviews of government information activities, exploration of alternative means for dissemination of government information, especially through libraries and other private sector organizations, and an even handed consistency in the application of principles.

ENCOURAGEMENT OF INVESTMENT.

In a formal vote, the following principle was UNANIMOUSLY accepted by the Task Force members present:

Principle 2. The Federal government should establish and enforce policies and procedures that encourage, and do not discourage, investment by the private sector in the development and use of information products and services.

DISCUSSION.

The role of the private sector is to provide the means for distribution of information in the context of the open marketplace, in which the criteria for value of any given service or product are economic forces rather than political ones. This implies private investment, frequently of risk capital, with profit as the means of rewarding the individual entrepreneur. Examples have been precented in Appendix 3 of this Report of cases in which Federal government activity or threat of activity appears to have discouraged risk capital investment.

The wording of that principle in the Draft Report was as follows:

> The private sector should be encouraged and not discouraged from capital investment in information products and services.

Again, as with Principle 1, the wording was discussed in detail:

- o Why include "not discouraged" ?
- o "The private sectors..." ?
- o What does "encourage" mean ?

The possibility that this principle might be interpreted as suggesting subsidies, either hidden or explicit, was discussed. The view was expressed that the effects of subsidies could not be predicted; some sectors of the economy are encouraged by subsidies, some may be discouraged.

In the debate, concern was expressed about how the term "private sector" would be interpreted. In particular, would it be clear that investment should be encouraged in both the for-profit and the not-for-profit components ? While it was pointed out that the definition of "private sector" was explicit in including both components, still it was felt that such should be reinforced in the context of this principle.

IMPLEMENTATION.

The Task Force identified a number of possible means to implement this principle: providing government information to private sector companies, using contracts to foster capabilities, providing tax incentives, changing regulatory structures, etc. For some of them, there were differences of opinion within the Task Force concerning their efficacy or the problems they might pose. In particular, making governmental information readily available might be in conflict with the need to protect parallel private information services that may be used by the government or with which a governmental information resource might effectively compete. Using "tax incentives" raises problems of conflict with revenue needs. The use of contracts potentially could be a dis-incentive to risk capital investment, since it would change the nature of the risks involved; the use of contracts doesn't really change the basis for decisions. There was no clear description given during the Task Force deliberations of the barriers in the present legal and regulatory structures to the encouragement of investment, although there was a generally evident feeling that there were serious barriers to investment. In general, though, there was agreement with the principle and with the view that these kinds of activities should be identified and brought together as illustrations of the means for implementation of the principle.

Some members of the Task Force feel it is important to recognize that there have been times when entrepreneurial investment has failed to meet or even to recognize the needs. The user obtained needed information because the Federal government initiated a service. Those members feel that "the public should be encouraged and not discouraged by the effects of capital investment in information products and services". They feel that the Federal government should not be prevented from development and innovation just in case an entrepreneur might someday want to take the risks of investment in an area in which the government would have established that a need existed.

The final result of the discussion of means for implementation is a set of six recomendations, presented in detail in the next section of the Report, specific to this principle.

GOVERNMENTAL INFORMATION SERVICES.

In a formal vote, with one abstention the following principle was UNANIMOUSLY approved:

Principle 3. The Federal government should not provide information products and services in commerce except when there are compelling reasons to do so, and then only when it protects the private sector's every opportunity to assume the function(s) commercially.

DISCUSSION.

The role of the Federal government is to meet the needs identified by the political process, but to do so in such a way as to achieve an optimum balance between public sector and private sector activities. This implies that the government should not arbitrarily be excluded from providing services that the political process identifies as needed, but on the other hand, it should not engage in such activities unless there has been a clearly defined reason for doing so.

In the Draft Report, Principle 3 was worded as follows:

> The government should not provide information products or services, in commerce, unless there are compelling reasons for it to do so.

This wording was discussed in detail:

- Replace "compelling" by "explicit and publically debated" ?
- Replace "compelling reasons" by "enactment of specific legislation" ?

In the debate of wording, concern was expressed about the definition of the phrase "in commerce". Does it mean "sale", "extensive marketing", or merely "dissemination" by whatever means, including "giving it away" ? It was pointed out that the issue is what controls the government. If the material is given away, the control lies in the political process that authorizes the funding of that service. If the government sells the service or product, it is then functioning (to some extent anyway) outside the controls of the political process, but without the constraints built into the market process.

The Task Force was divided on the suitability of governmental enhancement of an information product or service, with some members feeling that such enhancement would be appropriate if there is a clearly identified public or social need, a specific constituency that needed to be served (such as the handicapped or the disadvantaged), or if it were warranted by efficiency of operation. They felt the government should not be forced to refrain from enhancement as a doctrinaire policy, but rather should encourage, support, and as necessary provide enhancement.

The primary issue of discussion was the extent to which the Task Force should attempt to establish the "compelling reasons". Is it the responsibility of the Task Force to define when the government should intervene in the information products and services arena ? The view was expressed that there is no way in which the Task Force can specify to Congress what is or is not appropriate for governmental responsibility.

In this respect, it is important to understand the reasons for choice of the phrase "compelling reasons". It was used precisely because the Task Force was unable to agree on what would be universally applicable rules for deciding when the Federal government should or should not engage in an activity. Terms like, "in the public interest" or "when there is a public need" or "in the national interest" all convey the implication that there are identifiable, though undefined needs. "Market failure" implies something even more; not only is there a need, but in same way the market process has failed to meet it. While these may indeed be true, the problem is that they were not well enough defined to permit the Task Force to identify conditions under which they would apply.

The point though really is that the choice of terms is not the material issue. It is the process by which the decision is made. The term "compelling reasons" was used precisely because it so clearly begs the question without setting out some implied basis for the decision. At the least, the term makes it clear that the answer will always be found in a process, not in a catch phrase.

IMPLEMENTATION.

This is all to emphasize that the process for determining whether there are "compelling reasons" is central to this recommendation. That process has been embodied in the several recommendations related to this principle (i.e., announcement, review and approval, impact analysis, and periodic review), so it should not be considered as separate from them.

The Task Force believes that the problem of "policy obsolescence" should be emphasized. The need for periodic review is particularly great where detailed policies about the handling of information have departed from sound general principles, even though they may have been formulated in response to what appeared to be compelling needs.

Technological realities will continue to change, the information marketplace will continue to develop, and our understanding of the problems will continue to mature. Therefore our policies must also continue to develop or they will cease to serve us well. This can only be achieved if the reasons for policies are reexamined frequently as time passes or as circumstances change.

GOVERNMENT USE OF PRIVATE SECTOR INFORMATION.

In a formal vote, the Task Force UNANIMOUSLY approved the following principle:

Principle 4. The Federal government, when it uses, reproduces, or distributes information available from the private sector as part of an information resource, product, or service, must assure that the property rights of the private sector sources are adequately protected.

DISCUSSION.

Throughout the Task Force discussions, the issues in government use of information taken from the private sector and government duplication of information already available from the private sector arose repeatedly. Two distinctly different problems were raised: the economic problem and the professional one.

In an effort to resolve economic issues, three categories of information were defined: 1) that generated or synthesized by the government, 2) that gathered or deduced by the government, and 3) that bought by the government. The problem is in determining the nature of the rights involved in each of these situations, especially when private sector information is included. The following was unanimously adopted as a statement of position:

> The acquisition of information by the government does not necessarily carry with it government control over all rights to access, duplication, or dissemination of that information. Some rights, not all of which have yet been defined in law, are retained by the original owner.
>
> If rights are transferred to the government when it acquires information from a non-governmental organization, they should be precisely defined in the contract or purchase agreements.
>
> Government should recognize that its proprietary rights to the information it has acquired are not unlimited.
>
> Government should not take action with respect to information it has acquired, by whatever means, that impinges on the retained proprietary rights of the original owner.

Turning then to establishing a statement of principle, the Task Force considered the following statement, as included in the Draft Report:

> When governmental agencies utilize or duplicate information available from the private sector as part of an information resource, product, or service they should assure that the property rights of the private sector source are adequately protected.

After discussion, it was unanimously accepted with the final wording left to the editorial committee.

The term "property rights" was discussed with the view that it should not be interpreted as implying interference in the private sector. On the other hand, it was pointed out that there are other private sector interests, beyond property rights, that also must be protected. It was emphasized that this principle affirms the responsibility of government to comply with laws of copyright, contracts, etc.

It is important to note that this principle fails to address the second set of issues--those related to professional concerns and Federal control of information. While the other principles do deal with the needs to assure open access to governmentally distributable information without undue government control, none of them deals with the impact of government information services upon scientific and technical decisions.

IMPLEMENTATION.

Important though this principle obviously is, the Task Force did not identify specific steps for implementation of it. The important issues relate primarily to legalities of property rights and means for protecting them, in contrast to policy questions. While the Task Force had the responsibility and the qualifications to comment on policy questions, it did not feel that it could do so on essentially legal questions.

AVAILABILITY OF GOVERNMENT INFORMATION.

A formal vote was taken on Principle 5: 12 IN FAVOR, 1 OPPOSED:

Principle 5. The Federal government should make governmentally distributable information openly available in readily reproducible form, without any constraints on subsequent use.

The vote in opposition was due to the phrase "...without any constraints on subsequent use...", with the view that one could anticipate circumstances in which such constraints are necessary and desirable.

DISCUSSION.

Clearly there is a spectrum of availability, actual or potential, of information from the government:

1. Information normally not available, such as intra-agency work in progress.
2. Information available under limited, controlled, and qualified access, including national security and other classified information, personal information (such as personnel dossiers, census data, etc.), investigative and other law inforcement information.
3. Information available on request and specifically information covered by the Freedom of Information Act.
4. Information suitable for availability, including information products or services which are potentially useful, but not presently delivered.
5. Information presently being made available through active publication, distribution, or dissemination.

The Freedom of Information Act says that government information (with obvious specific exceptions--national security and personal privacy, for example) should be openly available. However, mere availability, especially as involved in the Freedom of Information legislation, would fail to meet the need for availability of government information as the Task Force sees it. Information should be readily as well as openly available, and usable for a variety of purposes.

The following principle was presented in the Draft Report, but discussion of it was deferred until the definition of "government information" had been clarified.

> Government or public information should be made openly available in a readily usable form at the incremental cost of access to it and reproduction of it.

There are some obvious problems inherent in this principle that the Task Force recognized. They relate to the operative terms, "available", "readily usable form", and "incremental cost".

First, with respect to availability, there seems to be little difficulty in the principle when it is applied to forms such as print, microform, or even magnetic tape form--forms that can be delivered as a product. But availability "online" raises significant issues as a result of the added value provided by the selection and processing services implied by online operation. The question is whether the government should provide such additional services, beyond providing the information itself, or should leave such added value services to the private sector.

Second, the issue of form of availability is complicated again by whether production in different forms would not consitute another type of added value service that might better be provided by the private sector. If the government originally produced the information in one form--printed, for example--should it be limited to distribution in only that form ? Or should the government agency be free to distribute it in any or all usable forms ? This question was unresolved, although the Task Force generally was in agreement that distribution in a variety of usable forms is appropriate.

Third, the issue of "marginal cost of access and reproduction" is complicated by a number of problems, so the decision was made to separate the consideration of cost from that of availability, treating it as another principle.

The purpose of Principle 5 was discussed. Is it to increase the entry of the private sector into use of governmentally distributable information ? It was pointed out that individuals, as well as private sector companies, need to have access to governmentally distributable information. The central issue, as the Task Force viewed it, was the reaffirmation of the principle underlying the Freedom of Information Act--that government should not operate in secret--but added to that is the principle that information is of concrete value to the social and economic structure of our society.

The following text was accepted as a statement of the rationale underlying Principle 5:

> It is in the national interest for information to be widely and readily available to citizens. Information controlled by the government represents a major resource of demonstrable actual and/or potential economic, social, and political value. The activities of libraries and of non-governmental and private information organizations are among the most important means for enhancing access to information by citizens.
>
> The principles presented here are intended to recognize, reflect, and be responsive to the goal of improved citizen access to information. In applying these principles, and especially in resolving actual or apparent conflicts among them, the government should take those actions that enhance opportunities for citizen access to information and should avoid those that limit or restrict such access.

The phrase "openly available" was discussed. What does it mean ? It was pointed out that it was used to replace "freely available", so as to avoid the issue of the cost of availability. The term "without restriction" was suggested as an alternative; similarly, "without limits on the way it can be used". It was pointed out that there are cases in which restrictions are needed (e.g., Social Security releases some information, but with restrictions to preserve confidentiality). It was suggested that the term be deleted, but the consensus was that it be retained.

The term "access" was discussed, and interpreted as including retrieval of pre-specified (not user-specified) packages of information. It could include an ability to communicate online, but with only limited interaction with the user. Access would include availability at identified national and regional centers and depository libraries. Access by user-specified retrieval would be provided only if specifically authorized.

"Reproduction" would include machine-readable forms, microforms, and printed forms, subject to the source form(s) of availability. In each case, however, the reproduction should be in pre-specified standard formats, not in user-specified formats.

The term "readily reproducible" was substituted for the original phrase "readily usable" to avoid having this principle authorize directly a variety of services to augment the usability of governmentally generated information, including translating information from one form to another. The phrase "readily reproducible" was interpreted as including machine-readable forms in standard formats, but user specified retrieval and online access would be involved only if specifically authorized.

The phrase "any constraints" was substituted for an original phrasing "prior constraints" to emphasize the view of the Task Force that open availability should imply the unconstrained use of the information generated by government. It was pointed out that there are occasions when there are proper reasons to grant a limited copyright for the purpose of encouraging a private sector company to provide for wide-scale promotion and distribution of an information package. It was apparently the consensus that the principle should not be interpreted as precluding such inducements. The following wording was accepted:

> Specific exceptions to this principle may be desirable in the public interest. Such exceptions, in the form of direct or indirect subsidy and/or incentives to the private sector to facilitate dissemination of socially useful information should invariably be considered through the legislative process and be subject to periodic review.

There was considerable discussion concerning the relation of computer programs to the issues involved. Are they "information" or "data" ? Or are they "property" ? Or are they both ? Are the property rights in computer programs different from those in data bases or other forms of "information" ? It was suggested that the scope of concern of the Task Force should not include computer programs; other members of the Task Force felt they should be included. The example of the Census was cited, especially with respect to availability of governmentally generated software (with the view that it would directly compete with commercial packages). It was pointed out that maintaining software, providing updates, training, and distributing would represent economic problems. (Although the same can be said for data bases.) It was also pointed out that some Federal agencies have interpreted software as falling outside the scope of the Freedom of Information Act, with the view that it represents government property. However, except for that limitation, NTIS will make such programs available.

Information derived from both governmental and private sources, whether distributed by the public sector or the private sector, must conform to laws concerning the property rights of the private sector sources. Application of Principle 5 would then necessitate recognition of Principle 4, as discussed above. There was therefore extensive discussion of the interdependence and of the order of presentation of the several principles involved. While each of the principles may focus on a specific issue of importance, it should not be treated in isolation from the others. Some members of the Task Force regard Principle 5 as the fundamental one, since it emphasizes the open availability of information generated by the government. Other members would argue that Principle 4 is the fundamental one, since it emphasizes the need to protect private rights. The consensus of the Task Force was that the dependence among the principles is mutual rather than hierarchical, each to be considered as independently valid, that they mutually depend upon each other, and that they will conflict with each other in specific situations.

The Task Force deems that to be appropriate and in no way vitiating the importance of the principles. It simply means that the world is complex and that principles can only guide decisions, not make them.

IMPLEMENTATION.

Three of the recommendations included in the next section of the Report relate specifically to Principle 5: Recommendations #24, #25, and #26. They identify the need to announce availability, to deposit material at centers where it can be viewed, and to avoid assertion of Federal government copyright domestically.

PRICING OF GOVERNMENT INFORMATION.

The following principle, in a formal vote, was UNANIMOUSLY approved:

Principle 6. The Federal government should set pricing policies for distributing information products and services that reflect the true cost of access and/or reproduction, any specific prices to be subject to review by an independent authority.

DISCUSSION.

With respect to costing, it is necessary to distinguish several categories of cost: (1) cost for generation of the information, (2) cost for the production of the first copy, (3) cost for initial distribution, and (4) cost for subsequent access and reproduction. Even the costs for access are a function of the means for access; similarly for reproduction. In any event, there is a real difficulty in determining the cost for any of those, and even if the costs could be determined they would vary with time as well as with means. Therefore it is almost meaningless to identify costs or to publish them as part of any announcement (as in a Register) of availability. Even the use of a "consistent formula" would not provide an answer, because of the inherent variability of the factors involved.

The issue of cost was extensively discussed. NTIS, for example, does not charge simply the incremental cost; it also charges for overhead. It was pointed out that overhead is a legitimate part of cost; the issue is whether each item of information (title, for example) bears its own share of the total costs or whether all items are treated as an aggregate. It was also pointed out that the term incremental cost refers to the cost for the information package, but not including the costs to create it in the first place (for example, the costs of the research that went into it should not be included in the incremental costs for access to that information). On the other hand, it is also the case that the dissemination of research may require subsidization of publication and distribution of its results.

Turning to the basis for pricing: NTIS and the GPO base their prices roughly on the number of pages, but with the price set so as to recover all costs of operation. This is representative of a pricing approach that deals with the total enterprise rather than with the single item. "Best sellers" may be priced at considerably more than the mere costs of reproduction, and as a matter of public policy, some items may be priced at less than the full costs of reproduction (cases in point being the Federal Register and the Congressional Record). Furthermore, the price for some items may be greater than the costs of reproduction in order to cover the costs of creation of them. (The example of the NTIS developed index to governmental statistical data bases illustrates this possibility.) The issue of whether it is ever appropriate for the costs of development to be recovered as part of the price is unresolved, although the conflict with the principle of pricing at the incremental cost of access and reproduction is evident.

The problem is how to determine when it is appropriate to price something at other than cost, and who should have the responsibility for doing so. The view of the Task Force is that the Congress should have the responsibility of identifying such publications, either individually or as a class, and of providing the funding necessary for pricing them below cost.

Principle 6 was then considered in detail. Examples were raised of situations in which pricing would approriately be at other than the incremental cost. The problems in identifying what the costs actually are were discussed, including not only how the costs were to be accounted for but what would be included in them. For example, should the costs of an index be included in the costs of access ? The very decision to distribute formally implies one set of costs different from those if the distribution is only in response to separate demands.

IMPLEMENTATION.

The Task Force did not have specific recommendation to make with respect to this principle, since implementation of it is primarily a technical matter of determining the basis for accounting for costs and establishing prices rather than a policy matter.

LIBRARIES

The following principle was formally voted on and approved by a vote of 13 YES to 1 NO, with one abstention.

Principle 7. The Federal government should actively use existing mechanisms, such as the libraries of the country, as primary channels for making governmentally distributable information available to the public.

DISCUSSION.

Virtually none of the Federal programs to date has taken cognizance of the availability of the academic, public, and special libraries of the country as an infrastructure for the distribution of information. There has been some effort to use public libraries as points of access to the 1980 census; both state and local libraries are becoming involved in dissemination of energy information; and there is the depository library system. But beyond that, there is little if any formal use of this great resource.

The wording of Principle 7 in the Draft Report was as follows:

> The libraries of the country should be actively used by Federal agencies as a primary means for making governmental information available to the public.

As with the other principles, this wording was extensively discussed:

- o Substitute "government generated" for "governmental" ?
- o Replace "should" by "must" ?
- o Should the contrast of "libraries" with "Federal information centers" be emphasized ?
- o Delete the word "actively" ?
- o Replace "public" by "citizens" ?
- o Replace "Federal agencies" by "Federal government" (to include Congress) ?
- o What does "primary means" mean ?

A question was raised about whether this principle really was relevant to the interests of this Task Force. It was pointed out that libraries exist in both the public and the private sectors, that the depository libraries had been specifically concerned about their relationship to the issues of the Task Force, and that a crucial function provided by the libraries is that of serving as the "safety valve" for society--the assurance of means of access, even if the private sector is indeed used as the means for distribution of governmental information.

IMPLEMENTATION.

To identify some specifics about how the role of libraries could be enhanced with respect to the distribution of Federal governmental information:

- o Funding by the Federal government of costs involved in providing this service to the public in general.
- o Expanding the scope and range of the depository library system.
- o Using the nation's libraries instead of governmental agencies as means for communication with the public.
- o Developing ties between private sector information services and libraries.
- o Encouraging libraries to develop services based on new technologies (making the public library, in particular, the "electronic information center" for the general public in each community).

The expansion of the depository library system would require attention to some very specific needs:

- The costs of managing, cataloging, and maintaining the depository collections are often ignored, since they are not normally covered by the budgetary support from the principle source of funding for those libraries. Means should be found to provide support for those functions as part of the depository library system.
- Government publications themselves are not organized or distributed in a manner that makes the operation of the depository libraries effective. While several of the recommendations of this Task Force may lead to steps that will alleviate this problem, specific attention will need to be paid, in implementation of them, to the needs of the depository libraries.
- The present set of depository libraries (about 1300 of them) is only a small part of the total library community. Means should be found to expand the number and distribution of depository libraries.

The Task Force makes no specific recommendations concerning these means for increasing the role of libraries. In fact, there would have been significant differences in views within the Task Force concerning the value and appropriateness of any one of them. Despite that fact, the Task Force is generally in agreement with the view that, if libraries are to be society's means for assuring access to government information by the general public, attention will need to be paid to the serious economic problems faced by public and academic libraries throughout the country. While this would possibly require re-deployment of funds from other governmental information activities, the encouragement of libraries in that role is a goal of sufficient economic and social value to warrant doing so.

5. RECOMMENDATIONS

In this section, we present the several recommendations that represent means for implementing the seven principles presented in the prior section. There is a total of 27 recommendations. The first 12 of them relate to Principle #1; the next 6, to Principle #2; the next 5, to Principle #3; the next 3, to Principle #5; the last one, to Principle #7. For a variety of reasons, we did not develop recommendations for the other principles. Several of the recommendations are closely related, so they will be discussed together to emphasize that relationship.

Each of these recommendations has been accepted by the Task Force, most of them by near unanimity or at least substantial majority, although two (#10 and #23) represented a significant division between majority and minority. Table 3 provides a tabulation of the votes taken on each of them.

For each recommendation, we will present the wording as accepted by the Task Force. (In a few cases, the wording presented here is slightly different from that which actually was voted on, since the final wording was left to the editorial committee, but the substance has been preserved.) We will present a review of the discussion leading to the votes on the groups, identifying the reasons for the majority view and, where appropriate, the minority views. We will conclude with a discussion of the means that we may have identified for implementation of the recommendation.

OVERVIEW.

Principle #1.
- o Environment to Enhance Competition
- o Applicability of First Amendment
- o Consistency in Congressional Actions
- o Efficient Information Technologies
- o Standards
- o Education; Research
- o Statistics; Economic Assessment
- o Means of Dissemination

Principle #2.
- o Legal & Regulatory Barriers
- o Encouragement to "Add Value" and to Disseminate
- o Private Sector Involvement

Principle #3.
- o Procedures to Evaluate "Compelling Reasons"
- o Enhancement of Information Products & Services

Principle #5.
- o Announce Availability
- o Deposit at National & Regional Centers
- o Federal Domestic Copyrights

Principle #7.
- o Use of Private Sector Dissemination Means

TABLE 3

SUMMARY OF VOTES ON RECOMMENDATIONS

Recommendation	Yes	No	Abstain	Not Present
1	11	0	1	4
2	11	0	1	4
3	12	0	1	3
4	12	0	0	4
5	12	0	1	3
6	11	0	3	2
7	11	0	3	2
8	14	0	0	2
9	10	0	5	1
* 10	8	6	0	2
11	13	0	0	3
12	11	2	1	2
13	13	0	0	3
14	12	0	0	4
15	13	0	0	3
16	12	0	0	4
17	11	0	0	5
18	11	1	0	4
19	12	1	2	1
20	13	1	1	1
21	14	1	0	1
22	16	0	0	0
* 23	9	7	0	0
24	15	0	0	1
25	10	3	2	1
26	10	2	2	2
27	12	1	0	3

Of the members of the Task Force, 16 participated in the meeting at which votes were taken on the recommendations. During the meeting, varying numbers of them were participants in each vote. The column "Not Present" indicates how many were not there during a given vote.

* Of the 27 recommendations, the votes on two--10 and 23--represented a significant division within the Task Force. Number 10 is concerned with "encouraging Federal agencies to regard dissemination of information as a high priority" and number 23 is concerned with "not arbitrarily restricting the Federal government from enhancing information products and services".

PRINCIPLE #1.

ENVIRONMENT TO ENHANCE COMPETITION.

RECOMMENDATION #1. Provide an environment that will enhance the competitive forces of the private sector, so that the market mechanisms can be effective in allocating resources in the use of information and in directing innovation into market determined areas.

DISCUSSION. The discussion of this recommendation was concerned solely with minor changes in wording. Responsibility was given the Editorial Committee to decide on the final wording, preserving the essential import. The abstention was because of concern about the final wording and a desire to have a vote on that final wording.

IMPLEMENTATION. This is a general recommendation. Implementation will require that Congress, the Executive branch agencies, the independent agencies, and the NCLIS all recognize the increasing role of information as an economic resource.

APPLICABILITY OF FIRST AMENDMENT.

RECOMMENDATION #2. Affirm the applicability of the First Amendment to information products and services.

DISCUSSION. The discussion started with the recommendation in the form:

> Provide consistency with respect to
> regulation of information activities.

A strong argument was presented that there should be no regulation. But examples were given of situations, such as broadcast channels, in which it is generally accepted that regulation is needed, and there was discussion of alternative means for handling those situations. The meaning of the word "consistency" was discussed, and the definition "not differentially applied" was suggested.

But the discussion then took a quite dramatic turn, as the group tried to deal with the basis for the desire for "no regulation". A distinction was made between "regulation of content" and "regulation of resources"; the view was expressed that there should be no regulation of content and that regulation of scarce resources should be consistent.

There was concern expressed about the clarity of the wording and need to see examples of application. Specific situations were discussed:

- "Equal time" regulations, representing control of scarce resources, not content
- "Obscenity", "fraud", and "libel", representing issues that are handled by criminal and civil law and do not

represent prior control
- National security issues (perhaps as exemplified by the Pentagon Papers case), representing another class of problems but within the general scope of First Amendment cases.

The crucial point made appeared to be this: There is debate about the extent to which "freedom of the press" should be interpreted broadly or be limited to the printed newspaper. The Task Force, in making this recommendation, is not attempting to resolve the legal issues involved, but is attempting to state its views that "information", taken broadly, should be protected by the same rights that would apply to "the press", even in the narrowest of the interpretations. The example of the "broadcast model" was contrasted with the "press model", and the general view was that the press model should apply to information products and services in general, with recognition that regulation of scarce resources may be necessary, but that there should be no regulation of content.

IMPLEMENTATION. This may well be a recommendation that will require action by the judiciary, although Congress might consider legislation that would embody the view that all information products and services should fall under the protection of the First Amendment.

CONSISTENCY IN CONGRESSIONAL ACTIONS.

RECOMMENDATION #3. Encourage Congress to be consistent in the language used and in the application of principles relating to information products and services, such as those identified in this Report, when it formulates legislation and when it exercises its oversight role.

DISCUSSION. As a result of the discussion of the applicability of the recommendations to the full range of government activities, this additional recommendation was drafted for consideration in the context of Principle #1. There was concern expressed with the fact that legislation rarely refers to specific information products or services; instead, it defines functions. This recommendation must therefore be seen as expressing concern not only with the actual specifications that may occur in legislation but with the subsequent means for actually immplementing those functional specifications.

There was discussion of the intent of this recommendation. Why the concern with consistency in language ? It was pointed out that the legislation has not been consistent in the past, that terms like "information center" have been used without a clear and consistent definition of them.

IMPLEMENTATION. This recommendation is directed specifically at Congress. Implementation will require careful review by appropriate staff of all Congressional committees of the information aspects of legislation.

EFFICIENT INFORMATION TECHNOLOGIES.

RECOMMENDATION #4. Encourage government agencies to utilize the most efficient (information) technologies.

DISCUSSION. The discussion started with the recommendation expressed in the following form:

> Encourage government agencies to utilize new information technologies for increased efficiency of operation and as a means for encouraging innovation.

The first question raised was the extent to which the purchasing power of the government should be used for purposes of encouraging development. It was pointed out that this recommendation, in that respect, deals with two quite distinct things: use of the best means and use of the purchasing power. The decision was made to deal first with the use of "best means".

The wording was discussed. For example, should the issue of "make or buy" be included ? Should the limitation to "internal operations" be stressed ? Finally, a formal vote was taken with the wording as given above.

The issue of whether the government's purchasing power should be used to encourage innovation was then discussed. It was pointed out that the government is a major force in the market place and, as part of the market forces, helps determine the allocation of resources. Government decisions, if indeed based on efficiency, would represent a very desirable participation of government in the market place, on the demand side.

IMPLEMENTATION. Congressional action may be required to correct existing legislation that impedes the introduction of efficient technologies. The OMB should consider regulations that encourage the Executive branch agencies to utilize efficient technologies. The NCLIS could initiate studies of the basis for evaluating the relative efficiency of various information technologies. The several agencies, both Executive branch amd independent, could initiate programs of evaluation and, if appropriate, replacement of existing technologies.

STANDARDS.

RECOMMENDATION #5. Encourage the setting and use of voluntary standards that will not inhibit the further development of innovative information products and services.

DISCUSSION. The discussion started with the following:

> Encourage the setting of standards for information equipment, products, and services.

It was pointed out that the freezing of practice into standards can have a stultifying effect upon development and innovation. In contrast, it was pointed out that at least a minimal set of standards are essential if there is to be progress, and that there was a prevailing view that standards are a good thing. It would be most important for us to identify anything that makes this field different. Concern was expressed about implying that the government should set standards, since there are already in being mechanisms by which the private sector goes about the setting of standards.

It was pointed out that PL 96-511 (the Paperwork Reduction Act of 1980) calls for the OMB to set standards for government agencies; these could have dramatic impact upon the private sector, because of the sheer size of the government enterprise. In the discussion, it was suggested that the focus of the OMB will be on standards related to governmental reporting and auditing; on the other hand, it was pointed out that P.L. 96-511 calls for standards across the board. It was suggested that the OMB should encourage private sector review and input to the standards setting process of the government. The abstention reflected a concern that the recommendation would be viewed as showing naivete about the process by which standards are developed. The importance of involving the private sector in governmental decisions about internal government-set standards was re-emphasized.

IMPLEMENTATION. The National Bureau of Standards could initiate studies of the specific status of standards, especially with respect to software and procedures, in the areas of information products and services.

EDUCATION; RESEARCH

RECOMMENDATION #6. Encourage and support educational programs that provide the professional skills needed to further the development of information as an economic and social resource.

RECOMMENDATION #7. Encourage and support both basic and applied research in library and information science.

DISCUSSION. The discussion started with the following texts:

> Support education programs that provide the professional manpower needed to further the development of information as an economic and social resource.
>
> Support pure and applied research in library and information science, to develop the knowledge on which further innovations can be based.

These represent not the entry of the government into the marketplace, but means by which the government can help develop the infrastructure on which these products and services will be based. It was suggested that the phrase "encourage and support" replace simply "support", since much more is involved than simply financial support.

The abstainers pointed out that the trend was toward "block grants", rather than grants for such specific, even parochial purposes; it was questioned whether there in fact was a problem that required government action. It was pointed out, in response, that manpower development is a part of the framework represented by Principle #1, that there has been an enormous growth in the demand for people in the information professions. Concern was then expressed about the term "manpower" in the recommendation as phrased, and the suggestion was made that "professional skills" be substituted (the view being that we want to upgrade knowledge, not simply provide bodies).

IMPLEMENTATION. The Congress could review legislation related to education and research in library and information science, with the view toward improving the level and quality of support for them. The agencies currently involved in such support--Department of Education, National Science Foundation, and National Library of Medicine, especially--could review their programs and priorities on allocation of resources.

STATISTICS; ECONOMIC ASSESSMENT.

RECOMMENDATION #8. Encourage and support statistical programs and related research to provide the data needed to deal with information policy issues.

RECOMMENDATION #9. Conduct a periodic economic assessment of the impact of Federal government information products and services.

DISCUSSION. The discussion started from the following:

> Support research and statistical programs to provide the data needed to deal with information policy issues.
>
> There should be a continuing economic assessment of the impact of Federal government information products and services, in the form of an "output" analysis as part of the gross national product.

It was pointed out that these recommendations reflected the gap in knowledge concerning the impact of information as an economic and social resource. They are related to Recommendation #5, but they need to be stated and emphasized separately from it. It was suggested that, in parallel with those, the word "encourage" be added. Concern was expressed that getting the data required might create its own burdens. It was pointed out that each of these recommendations should be seen within the context of the others, rather than in isolation.

IMPLEMENTATION. The Congress could establish requirements for reporting of statistical data on the "information economy" and on the information activities of Federal agencies. The agencies in the Executive branch and the independent agencies most directly concerned with monitoring of the economy could institute studies of the data needed to evaluate these economic effects. The OMB could require that Executive branch agencies institute such evaluations.

MEANS OF DISSEMINATION.

RECOMMENDATION #10. Encourage Federal agencies to regard the dissemination of information, especially through the mechanisms of the private sector (both for profit and not for profit), as a high priority responsibility.

RECOMMENDATION #11. Identify and evaluate alternatives to existing Federal information dissemination mechanisms.

RECOMMENDATION #12. Develop and support the use of libraries as active means for access to governmental information by the public.

DISCUSSION. Concern was expressed that these might be taken out of context, and that the parenthetical phrase "especially through ..." might be ignored. The discussion brought out virtually every one of the many issues with which the Task Force has been concerned, especially with respect to the responsibility of government to make information readily available (including the concerns about what information was to be included). Some members of the Task Force felt that the purpose of the recommendation was met elsewhere, that the term "dissemination" implied too much.

Those voting in favor of Recommendation #10 felt that openness of government operations was essential, and that the government should encourage the use of information derived from governmental operations rather than simply being a passive source. Those voting against the recommendation felt that "active" operations on the part of government tended to become self-perpetuating bureaucracies.

This discussion thus led to Recommendation #11 and, since libraries are regarded by the Task Force as an essential component of the system for public access to government information, to Recommendation #12. Although Recommendation #12 duplicates what Principle #7 emphasizes, the Task Force felt it was important to include it as part of the general environment for encouraging development and use of information products and services.

IMPLEMENTATION. This could be implemented by Congressional action requiring the review of current methods for dissemination and evaluation of alternatives. On the other hand, it could be accomplished by OMB regulations.

PRINCIPLE #2.

LEGAL & REGULATORY BARRIERS.

RECOMMENDATION #13. Identify and eliminate legal and regulatory barriers to the introduction of new information products and services.

DISCUSSION. The discussion started from the following:

> Reduce the "information overload", represented by excessive paperwork, especially for small organizations, so as to facilitate the entry of new companies into the field of information products and services, thus providing for increased competition and innovation.

First, the wording was discussed, with emphasis on what is cause and what is effect. The suggestion was made that the text should end at "...services"; that the sequence of phrases should be reversed; that the goal is "increased competition and innovation", not simply "reduction in paperwork".

But then the discussion became very substantive. What is the purpose of this recommendation ? Is there really a problem with respect to paperwork (presumably from governmental requirements) ? Reference was made to the paperwork reduction act, to the estimate that "the public will spend 1.2 billion hours filling out forms", to the view that this is especially a burden for small companies.

It was suggested that the real purpose of this recommendation is the encouragement of entry of small new companies, that much of the information industry is "cottage industry", and that government has a role in providing an environment in which it can flourish. But it was then suggested that "new companies" be replaced by "new products and services", since growth of new companies could be counter-productive, leading to economic losses, especially in areas where there is no economic viability for small enterprise. It was pointed out that such a view appeared to be counter to the whole basis for the private enterprise approach.

IMPLEMENTATION. Requires action by Congress in identifying such barriers, by the OMB in establishing regulations that will eliminate barriers in the bureaucratic process, by the NCLIS in initiating studies that will assist both Congress and the OMB.

ENCOURAGEMENT TO "ADD VALUE" AND TO DISSEMINATE

RECOMMENDATION #14. Encourage private enterprise to "add value" to government information (i.e., to re-package it, provide further processing services, and otherwise enhance the information so that it can be sold at a profit).

RECOMMENDATION #15. Provide incentives to existing organizations, such as libraries and bookstores, that will encourage them to expand their activities in dissemination of governmentally distributable information.

DISCUSSION. Question was raised about whether Recommendation #14 really was necessary, since nothing in law or practice would prevent it, but it was pointed out that there have been efforts to prevent private sector enhancement.

Question was raised about the form of incentives. The example of quantity discounts for bookstores was given. But what would be the incentives for libraries ? The text of the recommendations that have been replaced by the above includes reference to the costs of providing depository library services, and question was raised about whether we are proposing subsidies. It was suggested that rather than subsidies, we could be dealing with compensation for services provided. The example of the Regional Medical Library Network was cited. Contracting with libraries for such services might be funded by the funds currently used to support Federal activities providing the services that could better be provided by libraries.

IMPLEMENTATION. This could involve Congressional action, but the most direct means for implementation is through actions by the several Federal agencies. Beyond that, the private sector itself needs to take an active role in exploiting the opportunities, in developing the new products and services, in creating the added values.

INVOLVEMENT OF PRIVATE SECTOR.

RECOMMENDATION #16. Establish procedures which will create a realistic opportunity for private sector involvement in the planning process for information activities.

RECOMMENDATION #17. Involve the private sector in the process of formulating Federal standards relating to information activities.

RECOMMENDATION #18. Create or improve mechanisms for ensuring that the actions of government agencies, in developing information resources, products, and services are consistent with the policies, goals, and long range plans that are announced.

DISCUSSION. The purpose of these recommendations is to assure that everyone with an interest in a government action has the opportunity to express a point of view. But there is more involved than simply that. In fact, there are at least three objectives: 1) to assure adequate opportunity for debate, 2) to reduce the uncertainties in making private investment, and 3) to reduce the interference of government plans with the development of private sector products and services. The wording was extensively discussed, with a number of alternative phrasings presented:

- "Announce potential and planned...activities..."
- "...with sufficient warning to provide a debate forum..."
- "...devise procedures for expressing perceived needs..."
- "...consider the impact of announcements before making them..."
- "...orderly planning process, allowing for periodic review from the private sector and input from them so that..."
- "...create a realistic opportunity for private sector involvement..."

A crucial issue was the scope of coverage of the term "government agency", with the view that Congress and the judiciary should be subject to the same requirement. The concern was especially with respect to actions by Congress in mandating such activities as "information dissemination" and "establishment of clearinghouses" in new legislation. The issue is primarily with the proliferation of new, autonomous mechanisms rather than using the ones which are already in place.

It was pointed out that the Paperwork Reduction Act has specific language relevant to all of this:

> "...shall provide interested agencies and persons with early and meaningful opportunity to comment..."

and the Task Force feels that this is of special importance with respect to this recommendation.

PRINCIPLE #3.

PROCEDURES TO EVALUATE "COMPELLING REASONS".

RECOMMENDATION #19. Announce plans sufficiently ahead of time to provide an opportunity for private sector involvement when a government agency, for reasons it regards as compelling, should plan to develop and/or market an information product or service.

RECOMMENDATION #20. Review and approve, before implementation, any plans for the government to develop and/or market an information product or service, the review to be carried out by an agency appropriate to the branch of government (such as OMB, GAO, CBO).

RECOMMENDATION #21. Include an "information impact and cost analysis" as part of the process of review, evaluation, and approval of any plans for the government to develop and/or market an information product or service, the analysis to cover economic and social effects; effects on any existing products and services; effects on potential products and services; and an evaluation of the benefits to the public.

RECOMMENDATION #22. Review periodically to evaluate the desirability of continuation of any product or service as a governmental activity.

DISCUSSION. These four recommendations embody the procedures that the Task Force feels are essential to the process of determining whether there are "compelling reasons" for the government to provide information products and/or services in commerce. The discussion of them started from the following draft statements:

> Any such plans should be reviewed and approved by an appropriate agency (such as OMB).
>
> Part of the evaluation of an such plans should be an "impact analysis" that would consider the economic and social effects of the proposed service, both positive and negative. This should include an evaluation of the effects on any products and services, especially those in the private sector; an evaluation of potential private sector products and services that could be expected to result; an evaluation of the benefits to the public from the availability of the government information.
>
> There should be a periodic review to evaluate the desirability of continuation of the product or service as a governmental activity versus leaving it to the private sector or discontinuing it completely.

The language was discussed:

- o "...before implementation..."
- o "...by an agency appropriate to the branch of government..."
- o Delete "such"

The NO vote on these recommendations reflected a concern about the level of detail implied by it. Thus if it were interpreted as applying to individual publications, it would be an administrative nightmare. It was pointed out that such was unlikely to be the case, that approval for a general program should then embody approval of specific products or services within it. With that interpretation, the requirement for review would protect against abuse. (It was pointed out, though, that most immediately, the OMB is requiring that individual publications must get separate approval.) The Task Force therefore, in a formal vote, adopted the following statement:

> The Task Force would be concerned if these recommendation were interpreted as forcing individual publications to be included in the review process.

Concern continued to be expressed about the interpretation of the context or frame of reference for the recommendations of the Task Force. The following was presented and approved in a formal vote:

> When the Task Force refers to government agencies or activities, it is the intention that the reference be to all agencies of government--legislative, executive, and judicial branches and to the independent agencies.

It was pointed out that there is a converse to Recommendation #22. There should also be periodic review of the effectiveness of the private sector services that might take over a government service, to assure that they indeed carry out the objectives, that the government data is not misused, ant that the original intent was not abused. This was countered with concern about government monitoring of private sector operations. But there clearly are conflicting concerns. On the one hand, we want to be sure that government data are not perverted; on the other hand, we want to avoid the "big brother" effect. This discussion was resolved in the following distinction. The review process being considered in this recommendation is external to the agency, and it would be inappropriate for that review body to assess the effectiveness of private sector operations subsequently. On the other hand, it would be quite appropriate for the government agency with a mission to evaluate whether the information needs for its mission are adequately met by the private sector replacement; if not, there would be a basis for proposing re-introduction of the service.

ENHANCEMENT.

RECOMMENDATION #23. Do not arbitrarily restrict the Federal government from enhancement of information products and services, even if solely to meet the needs of constitutencies outside the government itself.

DISCUSSION. The discussion started from the following:

> The Federal agency should refrain from enhancement of information products and services solely to meet the needs of constituencies outside the government itself.

This recommendation was the most controversial of all of them. An immediate vote was taken, without any significant discussion of wording, with the result that this wording was rejected by a vote of 6 YES to 9 NO. The initial decision was to have this result presented in the Report, with the minority position (the vote in favor) represented by appropriate text.

However, the minority in favor of the original wording suggested that the recommendation be reconsidered, in the negative wording finally selected. The intent of the recommendation in this form was then discussed. It was pointed out that if there was abuse of the enhancement, it would be subject to the review process spelled out in prior recommendations. After that discussion the final vote was taken.

PRINCIPLE #5.

ANNOUNCEMENT OF AVAILABILITY.

RECOMMENDATION #24. Announce the availability of governmentally distributable information and maintain one or more registers to help the public determine what governmentally distributable information is available.

DISCUSSION. The discussion started from the following:

> The availability of government information should be announced, and one (or more) registers should be maintained of all government publications and other forms.

It was pointed out that this recommendation, like all of the others, must be handled within the context of the entire set of principles, not in isolation. There remains the problem of information that has already been acquired outside the framework of these principles.

The wording of the recommendation was discussed:

- o "...information products and services..."
- o End it after "...maintained" ?
- o How about availability of raw data ?
- o Why should government create register ? Why not private sector ?

DEPOSIT AT NATIONAL & REGIONAL CENTERS.

RECOMMENDATION #25. Deposit governmentally distributable information, in whatever form it may be available, at national and regional centers, including regional depository libraries, where it may be examined at no charge.

DISCUSSION. The discussion started from the following:

> The Federal government should deposit government information, in whatever form it may be available, at national and regional centers (including depository libraries), where it may be examined at no charge and reproduced at the costs of reproduction.

Question was raised about the relationship between this recommendation and the preceding one. Don't they represent alternatives ? It was pointed out that the nature of the depository library system is that some depositories may elect to take only specific items, so they need to have the indexes or registers for access to other materials.

Question was raised as to why this recommendation should be considered. The response was that the balance between the use of the private sector and the maintenance of public access requires that there be a public "safety valve", a means of guaranteeing that there is some means by which access to governmentally distributable information can be assured. The library system of the country provides that guarantee.

Question was raised about the inclusion of data bases in this recommendation. Presently the depository library system is limited to GPO publications. This recommendation would broaden that in several ways. It was pointed out that there are technological implications in providing means for examination of non-printed forms.

The point was made that the depository library system represents an underdeveloped, under-supported facility that could be improved as a most cost-effective way of accomplishing the objectives of public access to government information.

The wording of this recommendation was then discussed:

- "...selected national and regional..."
- End after "...at no charge..."
- "...including regional depository libraries..."

FEDERAL DOMESTIC COPYRIGHTS.

RECOMMENDATION #26. Do not assert any Federal government copyrights on information the Federal government makes domestically available.

DISCUSSION. The discussion started from the following:

> Government and public information made available by the Federal government should be free of domestic copyright.

There was considerable discussion of the problem of controlling non-domestic distribution if there is no domestic control. It was pointed out that the important value of copyright in this context is the protection of the integrity of the information. It was pointed out that international aspects are outside the scope of the work of the Task Force.

Examples were given in which private sector information enters the stream of government information (quotations by a congressman in the Congressional Register, for example), to point up the fact that distribution by the government doesn't mean free of copyright. This highlighted what the real objective is, and led to the final wording, on which a formal vote was taken.

PRINCIPLE #7.

USE OF PRIVATE SECTOR DISSEMINATION MEANS.

RECOMMENDATION #27. Use the nation's libraries and non-governmental information centers as means for distribution of governmentally distributable information instead of creating new governmental units or expanding existing ones.

DISCUSSION. The following potential recommendations related to Principle #7 were considered:

> Funding by the Federal government of costs involved in providing this service to the public in general.

> Expanding the scope and range of the depository library system.
>
> Encouraging libraries to develop services based on the new technologies (making the public library, in particular, the "electronic information center" for the general public in each community).
>
> The costs of managing, cataloging, and maintaining the depository collections are often ignored, since they are not normally covered by the budgetary support from the principal source of funding for those libraries. Means should be found to provide support for those functions as part of the depository library system.
>
> Government publications themselves are not organized or distributed in a manner that makes the operation of depository libraries effective. While several of the recommendations of the Task Force may lead to steps that will alleviate this problem, specific attention needs to be paid, in implementation of them, to the needs of depository libraries.
>
> The present set of depository libraries (about 1300 of them) is only a small part of the total library community. Means should be found to expand the number and distribution of depository libraries.

It was suggested that all of these recommendations be replaced by the following, more general recommendation, with the libraries of the country being a specific, identified example:

> The Federal government, in considering information activities, should make maximum use of existing resources and information delivery mechanisms as primary means for information distribution.

The proliferation of Federal information centers and networks was cited to illustrate the import of this proposed recommendation. Examples of existing resources which could be used instead included the nation's libraries, book stores, etc.

Concern was expressed that this recommendation represented a focus on current or traditional mechanisms for information distribution. It thus fails to recognize the effects of new technology and the resulting changes in institutions.

Concern was expressed about limiting this statement to libraries, since there are many non-governmental information centers that would serve the same functions well. It was pointed out that the objective of the recommendation is to urge that these existing mechanisms be used rather than creating new ones. The result of the discussion was the final text, on which a formal vote was taken.

The NO vote reflected the view there are some kinds of information that that are best distributed through Federal agencies. It was pointed out, while there may well be compelling reasons to use government agencies, that then falls within the scope of other principles.

6. APPENDICES

Appendix 1	lists the members of the Task Force.
Appendix 2	presents definitions, obtained from a number of policy statements and other publications, for comparison with those provided in Section 2 of this Report.
Appendix 3	provides a listing of a number of government information activities in which there have been interactions with the private sector, each of which may be a case study for application of the principles presented in this Report.

ACRONYMS

Before presenting the substantive appendices, however, it seems desirable to provide a translation of the acronyms that are scattered through the Report. Most of them are part of the vocabulary of virtually anyone reading it, but some of them may be foreign, and some readers may not recognize many of them. For that reason, it has seemed desirable to include a list of acronyms, with their definitions, in this appendix, rather than either replacing all acronyms by the full title they represent or by defining them once in the text (with the problem for the reader of identifying where the term was defined). The listing is alphabetic by the acronym.

ACRONYM	TERM
BLS	Bureau of Labor Statistics
CBO	Congressional Budget Office
ERIC	Educational Resources Information Center
GAO	General Accounting Office
GPO	Government Printing Office
MARC	Machine Readable Cataloging (of the Library of Congress)
MEDLINE	Medical Information Online (of the National Library of Medicine)
NCLIS	National Commission on Libraries and Information Science
NTIA	National Telecommunications and Information Agency
NTIS	National Technical Information Service
OMB	Office of Management and Budget

APPENDIX 1

PUBLIC SECTOR/PRIVATE SECTOR TASK FORCE

Appointed and Co-opted Members

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APPENDIX 2
PRIOR DEFINITIONS

It is worthwhile to list the definitions given in a variety of documents issued by various government agencies, including Congress, for comparison with these definitions and to illustrate the wide range of ways in which the terms are used. First, in the draft OMB circular ("Improved management and dissemination of federal information"), the following definitions were used:

"a. "Information" -- The term "information" as used herein is intended to mean publications and other documents, such as reports, studies, and brochures, which are available in a paper or microform media (sic). However, agencies are encouraged, as appropriate, to apply the policies and principles contained in this brochure to information which is available in other media, such as computer data bases.

"b. "Public information" -- Information which is collected, produced, or created by or for the federal government, with federal funds, primarily for the purpose of communicating with, educating, or informing one or more segments of the public. The distinguishing characteristic of public information is that the agency actively seeks, in some fashion, to disseminate such information or otherwise make it available to the public.

"c. "Scientific and technical information" -- Data or knowledge resulting from the conduct of federally funded research and development, or required for organizing, administering, or performing research and development. Such information is used primarily by scientists and engineers engaged in research and development work.

"d. "Information center" -- A formally structured organizational unit financed partially or totally by federal funds and established for the purpose of acquiring, maintaining, retrieving, and synthesizing a body of information and/or data in a clearly defined specialized field or pertaining to a specific mission with the intent of compiling, repackaging, or otherwise organizing and presenting pertinent information and/or data in a logical, timely, and useful form. "

In the Congressional report on "Federal Government...Policy Issues", the following definitions were used:

" Government information. Anything compiled/generated/maintained by a governmental entity, including published material or unpublished records,electronically recorded files, films, documents, working papers, memoranda, and similar materials, whether or not it is made available under title 44 of the U.S. Code, the Freedom of Information Act, or any other law or by administrative discretion.

" Government publication. Any portion of government information produced by a government entity which is made available to the public through printing, electronic transfer, or any other form of reproduction at government expense and which is offered for public sale/rental or for free distribution.

" Government document. A specific identifiable segment of information produced by a government entity which may be made available to the public upon request under law or by administrative discretion, but which is not usually considered of such broad public interest as to warrant general publication or distribution.

" Government printing. The reproduction in any form, utilizing public funds, of a portion of information produced by a governmental entity, such reproduction being performed by the GPO or its agents, by the governmental agency itself, or by a contractor with either.

" Public access. Any proper method by which the general public may examine, reproduce, or otherwise obtain access to information produced by a governmental entity. "

In the OMB Bulletin ("Public access to information produced with federal funds"), the definition for "Public information" is the same as used in the more recent draft circular, but without the characterizing sentence; in addition, a definition was given for "government information":

" Public Information. Information which is collected, produced or created by or for the federal government, with federal funds, primarily for the purpose of communicating with, educating or informing one or more segments of the public.

" Government information. Information which is collected, produced or created by or for the federal government, with federal funds, in the performance of its responsibilities and functions for which the government is the primary user. "

APPENDIX 3

CASES TO ILLUSTRATE THE APPLICATION OF THE PRINCIPLES AND RECOMMENDATIONS OF THE PUBLIC SECTOR/PRIVATE SECTOR TASK FORCE

The following are cases that may be used to illustrate the applicability of the several principles on which the Task Force has reached an consensus. In each case, there is a brief description of the governmental activity involved, in some cases together with brief statements of potential points of conflict.

- Worldwide Information & Trade System. This is a service of the Department of Commerce intended to assist in the development of improved U.S. international trade. As originally planned, it would duplicate a number of existing services in the private sector and in international banking (The World Bank and International Monetary Fund, The Journal of Commerce, Dunn and Bradstreet, DRI, etc.). Although the appropriation establishing it calls for cooperation with the private sector, that is after the fact of establishing the program. Therefore, this provides a crucial test of any principles that should govern public sector/private sector interaction.

- The National Library of Medicine. The several services provided by the National Library of Medicine--Index Medicus, MEDLARS, MEDLINE, etc.--are presently provided to the commercial market (in the sense defined by the Task Force) as well as being examples of information generated by the Federal government. They to some extent overlap or duplicate existing private sector services; they also represent data bases from which other information products and services could be developed by the private sector.

- ERIC. The ERIC system was established as complementary to an existing private sector service (Index to Journals in Education). Its data bases have been extensively used by the private sector, especially by the several data base services.

- NIMH. The on-line indexing service developed by the National Institute of Mental Health overlaps (perhaps as much as 60%) with Psychological Abstracts. It therefore competes directly with a private sector organization. It also may illustrate the risks involved when the Federal government both sponsors much of the basic research and determines what research will be collected, abstracted, indexed, and distributed to the scientific community.

- Congressional Research Service. The Congressional Research Service (a part of the Library of Congress) provides analyses, research services, and information services to every part of the Congressional community (Congress, the General Accounting Office, the Office of Technology Assessment, the Congressional Budget Office). Its reports are "governmental information" in the precise sense defined by the Task Force. How do the principles and policies developed by the Task Force apply to this context ?

- LEGIS. The LEGIS system is used by Congress to keep track of legislation as it goes through the many steps in the legislative process. It is a computerized system, developed to replace the manual records previously maintained by the Secretary's office, but it now serves the added function of answering questions about the status of bills. How do the principles and policies apply to making this data base available for private sector use ?

- SCORPIO. The Library of Congress now provides an internal computer based system of access to its current catalog, the SCORPIO system. It would be of great value to the library community if there were general access to that system, but if there were, it would both overload the present equipment and compete with existing private sector services.

- Government Printing Office. The GPO, as the agency principally responsible for the distribution of governmental information, provides the largest single example of a governmental service to which the principles and policies could be applied.

- NTIS. The NTIS, as the agency principally responsible for the distribution of reports from contractors to the Federal government, provides another major example.

- DOE. The Department of Energy has established an on-line data base service to meet its internal needs. Should it expand that service to provide data to the general public, or should it depend upon private sector services to do so ?

- DDC. The Defense Documentation Center provides on-line services from its own data bases to its agencies and contractors. It has considered adding other, non-DDC data bases to its services, although it has not done so. How do the principles and policies apply to this kind of situation ?

- Census. The 1970 Census was made available to the public in general through private sector distribution. The plans for the 1980 Census, however, are to develop centers within each state which will be responsible for distribution to state agencies and to secondary distribution centers. This approach directly affects private sector services. Beyond that, the Census is developing and providing software that both supports and competes with private sector organization marketing Census based services.

- NSRDS. The National Standard Reference Data System of the National Bureau of Standards accumulates and analyzes quantitative data concerning the properties of materials. It makes those data available both through its own publications and through private sector services.
- DIDS. The DIDS service provides for the display of a variety of geographically based data, together with computer capability for calculation of combinations of existing data.
- Directory of Federal Statistical Data Bases. This resource is being developed by the Office of Federal Statistical Policy and Standards and NTIS in response to needs expressed by both Federal agencies, private sector users of Federal statistics, and the library community. The costs for creating and maintaining the Directory are borne in part by the participating agencies and in part by NTIS. The Directory is intended to become a regular publication which will contain standardized bibliographic information and abstracts of all public use data files.
- Information Centers. The 95th Congress mandated that a number of "information centers" should be established in several areas of governmental operations and services to the public.

7. BIBLIOGRAPHY

The following listing of references contains books and articles that the Task Force found valuable in their discussions. Some of them are labeled with "PPS" numbers; these were distributed among the members as part of the distribution of memoranda and substantive documents involved in the work of the Task Force. Others are included as part of the essential background for the issues involves, even though they may not have been formally included among Task Force documents.

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